

**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
May 20, 2013 6:00 PM**

In accordance with the Oklahoma Open Meeting Act, Title 25 O.S. Section 311, the agenda for this meeting was posted on the bulletin board in the lobby of City Hall, 116 W. Needles Ave., Bixby, Oklahoma on the date and time as posted thereon, a copy of which is on file and available for public inspection, which date and time was at least twenty-four (24) hours prior to the meeting, excluding Saturdays and Sundays and holidays legally declared by the State of Oklahoma.

STAFF PRESENT:

Erik Enyart, AICP, City Planner
Patrick Boulden, Esq., City Attorney

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

Chair Thomas Holland called the meeting to order at 6:07 PM.

ROLL CALL:

Members Present: Larry Whiteley, Lance Whisman, and Thomas Holland.
Members Absent: Jeff Baldwin and John Benjamin.

CONSENT AGENDA:

1. Annual nominations and elections for Chairperson, Vice-Chairperson, and Secretary (City Code Section 10-1-3).

Chair Thomas Holland introduced the item and declared that it would be Skipped and reintroduced at the end of the agenda.

2. Approval of Minutes for the May 02, 2013 Special Meeting

Chair Thomas Holland introduced the item. Larry Whiteley made a MOTION to APPROVE the Minutes of the May 02, 2013 Special Meeting as presented by Staff.

Patrick Boulden advised that, as a part of the discussion of Agenda Item # 3, [the draft Minutes reflect that] the vote to change the Comprehensive Plan per BCPA-9 on a Motion to [Recommend Denial] failed by a two (2) to one (1) vote [with no Abstentions]. Mr. Boulden advised that he could not find any authority to require three (3) votes to pass a Motion, and so that Motion did pass by a 2:1 vote. Mr. Boulden recommended that this wording be inserted into the Minutes.

Erik Enyart advised that the Motion to Approve the Minutes be subject to the City Attorney's edits "with the wording the City Attorney put in there." Larry Whiteley amended his Motion as follows: a MOTION to APPROVE the Minutes of the May 02, 2013 Special Meeting as presented by Staff with the wording the City Attorney recommended being inserted.

Patrick Boulden advised that Agenda Item # 3 would need a Motion to Reconsider, recognizing the approved Motion to [Recommend Denial].

It was discussed and determined that Public Notice was adequate.

Chair Thomas Holland asked Erik Enyart if he had any recommendations, and Mr. Enyart responded, "I defer to our City Attorney."

Patrick Boulden stated that the thee (3) member vote is the rule for the Board of Adjustment, but not for this application to the Planning Commission. Mr. Boulden suggested the wording to be inserted into the Minutes on page 18 [of the Agenda Packet and page 16 of the Minutes] be as follows: "On advice of Staff the Motion failed 2:1:0, but note at this meeting [May 20, 2013] the Motion actually Passed. Subsequently, Staff advised that the Motion actually Passed and all matters were Continued to this meeting [May 20, 2013]."

Larry Whiteley made a MOTION to RECONSIDER BCPA-9.

Erik Enyart stated that, as a point of order, the Commission still had a Motion on the Minutes.

Larry Whiteley withdrew his Motion to Reconsider BCPA-9 at this time.

Lance Whisman SECONDED the existing Motion to Approve the Minutes of the May 02, 2013 Special Meeting as presented by Staff with the wording the City Attorney recommended being inserted. Erik Enyart confirmed he would work with the City Attorney to get the wording and formatting correct for the Minutes after the vote on the Motion.

Roll was called:

ROLL CALL:

AYE:	Holland, Whiteley, & Whisman
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	3:0:0

PUBLIC HEARINGS

3. (Continued from April 15 and May 02, 2013)
BCPA-9 – JR Donelson for Helene V. Byrnes Foundation. Public Hearing to receive Public review and comment, and Planning Commission recommendations regarding the

adoption of a proposed amendment to the Comprehensive Plan of the City of Bixby, Oklahoma, specifically to remove the “Residential Area” specific land use designation.
Property Located: 12345 S. Memorial Dr. and/or 12404 S. 85th E. Pl.

Chair Thomas Holland introduced Agenda Item # 3 and noted that it would need a Motion to Reconsider. Larry Whiteley made a MOTION to RECONSIDER BCPA-9. Chair Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, & Whisman
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 3:0:0

Chair Thomas Holland asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Wednesday, May 15, 2013
RE: Report and Recommendations for:
[BCPA-9 – JR Donelson for Helene V. Byrnes Foundation,]
PUD 77 – “Byrnes Mini-Storages” – JR Donelson, Inc., and
BZ-365 – William W. Wilson for Helene V. Byrnes Foundation

(NOTE: BCPA-9 and BZ-365 concern two (2) tracts, while PUD 77 concerns three (3) tracts.).

LOCATION:

PUD 77: – 12345 S. Memorial Dr. and/or 12404 S. 85th E. Pl.
– Part of Lot 1, Block 1, The Boardwalk on Memorial, part of the NW/4 of Section 01, T17N, R13E, and All of Lot 11, Block 2, Southern Memorial Acres No. 2

BCPA-9/BZ-365:

– 12345 S. Memorial Dr. and/or 12404 S. 85th E. Pl.
– Part of Lot 1, Block 1, The Boardwalk on Memorial and part of the NW/4 of Section 01, T17N, R13E

LOT SIZE:

PUD 77: approximately 3.4 acres in three (3) tracts
BCPA-9/BZ-365: approximately 2.9 acres in two (2) tracts

EXISTING ZONING:

PUD 77: AG Agricultural District/PUD 29A & RS-2 Residential Single-Family District
BCPA-9/BZ-365: AG Agricultural District/PUD 29A

EXISTING USE:

PUD 77: A soccer practice field and a single-family dwelling with accessory building
BCPA-9/BZ-365: A soccer practice field and a residential accessory building

REQUESTED ZONING: OL Office Low Intensity District & PUD 77 (existing RS-2 zoning to remain in place)

SUPPLEMENTAL ZONING: Corridor Appearance District (part)

SURROUNDING ZONING AND LAND USE:

North: OL, AG, CS/OL/PUD 68, & RS-1; A single-family residence on a 7-acre tract zoned OL and AG and the PUD 68 “North Bixby Commerce Park” pending development on a 16-acre tract, a drainage channel, and residential homes in Houser Addition. To the northwest at

12113 S. Memorial Dr. is the Spartan Self Storage ministorage development on an unplatted 1-acre tract zoned CS, and commercial development in 121st Center.

South: RS-1 & RS-2; Single-family residential zoned RS-1 in Gre-Mac Acres along 124th St. S. and RS-2 in Southern Memorial Acres No. 2.

East: RS-2; Single-family residential in Southern Memorial Acres No. 2.

West: CS/PUD 29-A; The The Boardwalk on Memorial shopping center and Memorial Dr.

COMPREHENSIVE PLAN: Low Intensity + Residential Area (BCPA-9 requests removal of Residential Area specific land use designation)

PREVIOUS/RELATED CASES: (Not a complete list; Minor Architectural Committee and Planning Commission signage approvals in the Boardwalk shopping center not included here):

PUD 29 – The Boardwalk on Memorial: Part of Lot 1, Block 1, The Boardwalk on Memorial (of which subject property was a part), Lots 1 and 2, Block 1, Gre-Mac Acres, requested for rezoning and PUD approval – PC Recommended Approval 05/20/2002 and City Council Approved PUD 29 and CS zoning for Lot 1 and OL zoning for Lot 2 06/10/2002 (Ordinance # 850, evidently dated 06/11/2001 in error).

PUD 29A – The Boardwalk on Memorial: Request for Major Amendment to PUD 29, known as PUD 29A, which expanded the original PUD and underlying CS zoning to an unplatted area to the north of Lots 1 and 2, Block 1, Gre-Mac Acres, and rezoned Development Area B to AG for “open space” – PC Recommended Approval 03/17/2003 and City Council Approved 04/28/2003 (Ordinance # 867).

Preliminary Plat of The Boardwalk on Memorial: Request for Preliminary Plat approval for part of subject property – Recommended for Approval by PC 04/21/2003 and Approved by City Council 04/28/2003.

Final Plat of The Boardwalk on Memorial: Request for Final Plat approval for part of subject property – Recommended for Approval by PC 11/21/2005 and Approved by City Council 11/28/2005.

“Minor Amendment PUD 29b to PUD 29, 29a”: Request for Planning Commission approval of the first Minor Amendment to PUD 29A (could have been called “Minor Amendment # 1) to approve a drive through bank window on the south side of the building for Grand Bank – PC Approved 02/22/2005.

AC-07-08-01 – Request for Architectural Committee approval of a masonry archway over an internal access drive on the north side of the The Boardwalk on Memorial (of which subject property was a part) – AC Approved 08/20/2007.

“PUD 29A Minor Amendment # 1 [2]”: Second request for Minor Amendment to PUD 29A to (1) Remove restrictions from east-facing signs and (2) Increase maximum display surface area for wall signs from 2 square feet per lineal foot of building wall to 3 square feet per lineal foot of building wall as permitted by the Zoning Code – Planning Commission Conditionally Approved 11/19/2007. Should have been called “Minor Amendment # 2.”

AC-07-10-11 & AC-07-10-13: Request for Architectural Committee approval of two (2) wall signs for The Boardwalk on Memorial (of which subject property was a part) for The Eye Center South Tulsa – Tabled by AC 10/15/2007 pending resolution of outstanding PUD zoning issues and Approved by AC 12/17/2007 after Minor Amendment # 2 was approved.

BL-373 – William Wilson for Boardwalk on Memorial I, LP: Request for Lot-Split approval to separate the east approximately 472’ from the balance of the subject property –PC Approved 02/16/2010.

PUD 29A Minor Amendment # 3: Request for Minor Amendments to PUD 29A to remove Development Area B from the PUD – Planning Commission Continued the application from the January 19, 2010 meeting to the February 16, 2010 meeting. The submission of PUD 29A Major Amendment # 1 in lieu of this application was recognized as the Withdrawal of this application.

PUD 29A Major Amendment # 1: Request for Major Amendments to PUD 29A to relax Zoning Code bulk and area requirements for Development Area B to allow for Lot-Split per BL-373, which Development Area B was required to be legally attached to lots having the minimum required amount of public street frontage – PC Recommended Approval 02/16/2010 and City Council Approved 03/08/2010 (Ord. # 2033).

AC-11-06-03 – The Boardwalk on Memorial: Request for Planning Commission approval of an Electronic/LED ground sign for The Boardwalk on Memorial (of which subject property was a part), which became the second allowable ground sign on the property upon the attachment of the archway sign (cf. AC-07-08-01, AC-07-10-11, & AC-07-10-13) to the north side of the building as an extension

of the building wall, which thus became a wall sign as originally approved by the City – PC Approved 06/20/2011.

RELEVANT AREA CASE HISTORY: (Not a complete list)

BCPA-3, PUD 68, & BZ-341 – North Bixby Commerce Park – Lou Reynolds for Alvis Houser – Request to amend the Comprehensive Plan to redesignate property (in part) “Medium Intensity,” rezone from AG to CS and OL, and approve PUD 68 for a ministorage, “trade center / office-warehouse,” and retail development on a 16-acre tract abutting subject property to the north – PC voted 2 in favor and 3 opposed on a Motion to approve the development on 04/20/2009. On 04/27/2009, on appeal, the City Council reversed the Planning Commission’s action. On 06/08/2009, the City Council denied the ordinance which would have approved the rezoning, PUD, and Comprehensive Plan amendment, on the City Attorney’s advice regarding certain language in the ordinance, and called for the developer to proceed “under existing ordinances.” On 06/22/2009, the City Council Approved, by Ordinance # 2030, all three (3) applications as submitted, and with no Conditions of Approval. The legal descriptions in the ordinance reflected the underlying CS/OL zoning pattern as recommended by Staff, rather than per the “Exhibit 1” to the PUD.

Preliminary Plat of North Bixby Commerce Park (PUD 68) – Request for approval of a Preliminary Plat and certain Modifications/Waivers for a ministorage, “trade center / office-warehouse,” and retail development on a 16-acre tract abutting subject property to the north – PC recommended Conditional Approval 03/15/2010 and City Council Conditionally Approved 03/22/2010.

Final Plat of North Bixby Commerce Park (PUD 68) – Request for approval of a Final Plat and certain Modifications/Waivers for a ministorage, “trade center / office-warehouse,” and retail development on a 16-acre tract abutting subject property to the north – PC recommended Conditional Approval 05/17/2010 and City Council Conditionally Approved 05/24/2010.

BSP 2010-01 – North Bixby Commerce Park – RK & Associates, PLC / McCool and Associates, P.C. (PUD 68) – Request for approval of a PUD Detailed Site Plan for a ministorage, “trade center / office-warehouse,” and retail development on a 16-acre tract abutting subject property to the north – PC Conditionally Approved 07/19/2010.

PUD 76 “Scenic Village Park” & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for a multiple-use development, including ministorage, on 92 acres located approximately 1/3 of a mile west of subject property – PC recommended Conditional Approval 02/27/2013 and City Council Approved 03/25/2013 (Ord. # 2116).

Preliminary Plat of “Scenic Village Park” – Tanner Consulting, LLC – Request for Preliminary Plat approval for a multiple-use development, including ministorage, on 92 acres located approximately 1/3 of a mile west of subject property – PC recommended Conditional Approval 03/18/2013 and City Council Conditionally Approved 03/25/2013 (Ord. # 2116).

Staff searched for but did not find any Zoning or site plan approval records related to the Spartan Self Storage, a 1-acre ministorage development at 12113 S. Memorial Dr. which appears to have 0’ setbacks along the north/side, east/rear, and south/side property lines. The Tulsa County Assessor’s records indicate the facility was constructed in 1998.

BACKGROUND INFORMATION:

History of the Applications. When beginning the review of PUD 77 on March 08, 2013, Staff observed that the Comprehensive Plan designates the BZ-365 subject property as Low Intensity + Residential Area, with which OL zoning and a non-residential PUD are not consistent. Staff advised the Applicant by email that these applications needed to be Continued to the April 15, 2013 Regular Meeting, to allow for the preparation, submission, and concurrent review of a request for Comprehensive Plan Amendment, as would be required by Zoning Code Section 11-5-2. By phone conversation on March 08, 2013, Applicant JR Donelson consented to the Continuance to the April Regular Meeting. On March 18, 2013, the Planning Commission Continued both cases to the April 15, 2013 Regular Meeting.

BCPA-9 was submitted and advertised for the April 15, 2013 Regular Meeting, and is covered by this Staff Report.

At the TAC meeting held March 04, 2013, Staff discussed with the developer and developer’s agent JR Donelson some of the issues presented by the original proposal to build ministorage buildings on the north and south property lines. Upon further reflection, Staff advised the Applicant by email on March 08, 2013 that this situation will apparently create need to secure easements from the adjoining property owners:

1. *Temporary construction easement (or license) to allow construction activities that marginally fall on the adjoining properties during the erection of the buildings and installation of masonry facades*
2. *Permanent easement for building wall maintenance (repair, painting, repointing/"tuck-pointing," cleaning, etc.)*

Securing multiple easements would be a significant issue to undertake, and considering the number of residential property owners abutting the south side of the property, may be nearly impossible to completely secure.

In addition to the other issues noted at the TAC meeting and the above, there may be other consequences 0' setback building may present that Staff has not yet considered due to there being no local experience with such a situation where a commercial building would be built on a residential property line. Zero-lot-line developments are typically residential (townhouses, etc.) or downtown/storefront-style buildings, the latter which are not constructed locally anymore. In those cases, residential abuts residential, and commercial abuts commercial. Staff requested input from Tulsa area community planners, and received many comments, but none of them provided insight into the question of construction or maintenance easements for 0' setback situations, or alternative solutions or new issues this would present.

Given:

1. *170' lot width*
2. *30' minimum spacing between buildings*
3. *70' desired main building with (20' exterior access, 10' interior access, 10' internal walking corridor, 10' interior access, 20' exterior access)*
4. *20' desired south line building (10' X 20' storage units)*
5. *20' desired north line building (10' X 20' storage units),*

It appears that any setback along the south line would not allow all three (3) buildings to be in their current configurations. The modular pre-fabricated storage buildings come in 10' X 10' increments. That would appear to require reducing one (1) tier of exterior access units from 20' to 10' in depth. Other than reducing the building with, the only other flexibility would come from reducing drive(s), which is subject to the review and approval of the Fire Marshal.

JR Donelson, Bill Wilson, Fire Code Enforcement Official Jim Sweeden, and City Planner Erik Enyart met on April 02, 2013, to discuss this situation and options. It was determined that the Zoning Code's 30' minimum separation between buildings was intended to allow turning movements for fire apparatuses within the site. Upon agreement in the meeting, the southerly east-west drive was enhanced with an additional gate at its west end, allowing for a singular drive with no required turning movements from east to west ends. This allowed the reduction in the drive width from 30' to 26', with the 4' to be applied along the south line as the building setback. Per the Fire Marshal, the full 26' drive width is required to be carried through to 85th Pl. E. The northernmost buildings continue to be proposed on the northerly property line, with expectation that the property owner will be able to secure easement or other legal permission to allow temporary construction activities and future building wall maintenance as described above. As of the date of this report, documentation regarding easement or other legal permission has not been received.

Staff encourages the revision adding a 4' setback from the southerly property line of Development Area A ("DA A"), as a 0' commercial building setback from single-family residential properties was problematic for several reasons. Further, the 4' setback, as per statements by the Applicant in the April 02, 2013 meeting with Staff, would allow for the several existing mature trees along the fenceline to be preserved. Installing a required fence or redesigning the site in accordance with the Zoning Code requirements, which would normally result in an internal drive constructed here (which has no required setback) would result in the loss of these trees. To ensure this design element is incorporated in this PUD, Staff recommends adding a 4'-wide "Existing Tree Preservation and Landscaping Easement" along the entirety of the south line of DA A, as per other recommendations in this report. Due to the 4' building-to-property line proximity and the intent to use materials required by the Zoning Code, the building wall is proposed to serve as the screening fence along this south property line. Staff has reservations about the proposed use of "stamped concrete to resemble brick." Unless the Planning Commission and City Council can be convinced that the "stamped concrete" will be consistent in quality in terms of appearance and resistance to weathering, cracking, and fading, Staff recommends actual brick be used along the south line, in respect to the residential neighborhood. This also applies to the east end of the

southernmost building, which appears to be approximately 5' from the west/rear yard line of the residential Lot 12, Block 2, Southern Memorial Acres No. 2, rather than having the 10' setback required.

While resuming the review of PUD 77 on April 05, 2013, Staff found that the PUD proposed a maximum floor area of 40,000 square feet, which would be an effective FAR of 0.33. Staff calculated the proposed square footage based on the site plan, at 57,500 square feet, which is an FAR of 0.47. The maximum allowable in the OL district is 0.30, but it may be increased to 0.40 by Special Exception (or PUD, in this case). In response, on April 09, 2013, the Applicant submitted a revised PUD removing certain portions of building areas as originally proposed. The revised plan now proposes approximately 47,600 square feet, an FAR of 0.39, which may be allowed by this PUD.

As requested by the Applicant, this PUD was Continued from the April 15, 2013 Regular Meeting to a May 02, 2013 Special Meeting agenda. This report has been updated to reflect changes made to the PUD, received on April 26, 2013. The name of the PUD was changed from "Byrnes Mini-Storage" to "Byrnes Mini-Storages." In the interest of time, Staff has dispensed with the customary detailed re-review of the report for resolution of internal inconsistencies, and focused most attention to the recommended corrections, modifications, and Conditions of Approval.

At the May 02, 2013 Special Meeting, after extensive discussion, a Motion to Recommend Denial of BCPA-9 failed by split vote (2:1:0). As suggested by Staff, BCPA-9, PUD 77, and BZ-365 were Continued to this May 20, 2013 Regular Meeting, in order to allow other Commissioners to attend and possibly achieve a quorum majority vote.

The Nature and Value of the Comprehensive Plan. Comprehensive Plans are the result of intensive study, broadly garnered and comprehensive information, professional analysis and coordination, public input, and general consensus of the City's staff, Planning Commission, and City Council. They bring together all planning functions (e.g., housing, land use, transportation, physical environment, energy, infrastructure and community facilities, demographics, etc.), analyze and compare them all on the community-wide scale, relate them to specific geographical areas within the community (i.e. the Land Use Map), and consider all this with a long-range time perspective (e.g., 15-20 years into the future).

The Comprehensive Plan is a thorough, complete, and well researched policy document used to inform the Planning Commission, City Council, and the Public at large how land can best be developed and used (among other things), and so how rezoning applications should be accepted or rejected. Comprehensive Plans, when followed, prevent arbitrary, unreasonable, or capricious exercise of the legislative power resulting in haphazard or piecemeal rezonings (read: rezoning decisions legally indefensible in a court of law).

Comprehensive Plans can be highly prescriptive, prescribing specific land uses and land use intensities to specific parcels of land, or can be highly generalized, merely mapping out large swaths of land which may be suitable for certain intensities of development, and including a broad range of zoning districts which may be authorized therein. Bixby's Comprehensive Plan falls somewhere in between, specifically designating certain areas with specific land uses, and others more generally (e.g. the "Corridor" designation.).

Zoning Code Section 11-5-2 prohibits rezonings which would conflict with the Comprehensive Plan, and requires that such rezonings "must be processed along with a request to amend the land use map and a PUD in order to be accepted and considered." The Applicant has requested PUD 77 in support of BCPA-9 and the rezoning application.

Procedure for Comprehensive Plan Amendments. Certain passages in the Comprehensive Plan text (page 30, 55, etc.) suggest the anticipation of amendments to the Plan. However, the Comprehensive Plan does not provide, nor do State Statutes, a definite procedure or method for the City or property owners to request to amend the Comprehensive Plan. The City of Broken Arrow regularly (quarterly, etc.) considers applications to amend their Comprehensive Plan, for cases where a rezoning application would not be consistent with the Plan, but the plan amendment and rezoning application may be appropriate.

After receiving the first two (2) requests in mid-2008 (BCPA-1 and BCPA-2), Staff consulted the City of Broken Arrow to determine how that community goes about facilitating applications for Comprehensive Plan amendments, and followed the same method, which was supported by the Applicant's attorney in those cases, which was to advertise the public hearing in the same manner used for a rezoning application: By sign posting on the property, newspaper publication, and mailing a notice to all property owners within a 300' radius of the subject property. This method was used in the successful applications BCPA-3 and BCPA-4 in 2009, BCPA-5 and BCPA-6 in 2011, and BCPA-7 and BCPA-8 in 2012, and all of these have been done in this amendment case as well.

ANALYSIS:

Subject Property Conditions. The subject property consists of three (3) parcels of land:

1. The Easterly approximately 472' of Lot 1, Block 1, The Boardwalk on Memorial (approximately 1.4 acres), separated from the balance of the platted lot with the shopping center and parking lot by Lot-Split BL-373 in 2010, Tulsa County Assessor's Parcel # 57623730115240,
2. One (1) acre unplatted tract, being the E. 256.23' of the N. 170' of the NW/4 of Section 01, T17N, R13E, Tulsa County Assessor's Parcel # 97301730154670, and
3. Lot 11, Block 2, Southern Memorial Acres No. 2 (approximately 0.6 acres), Tulsa County Assessor's Parcel # 58100730101130.

Tract "1" contains a soccer practice field and is zoned AG with PUD 29A. Tract "2" contains a residential accessory building historically associated with Tract "3" and is zoned AG. Tract "3" contains a single-family dwelling and is zoned RS-2.

Tracts "1" and "2" are requested for Comprehensive Plan amendment and rezoning from AG to OL. All three (3) tracts are to be covered by PUD 77. PUD 77 would supersede PUD 29A for the concerned part thereof. Tracts "1" and "2" are in Development Area A, and Tract "3" is in Development Area B. Tract "3" / Development Area B will remain zoned RS-2 and will continue to maintain the house structure as a residential dwelling.

All of the subject property is relatively flat and drains to the east to an un-named tributary of Fry Creek # 1.

Comprehensive Plan. The Comprehensive Plan designates all of the subject property as (1) Low Intensity and (2) Residential Area. BCPA-9 requests removal of Residential Area specific land use designation, to allow Development Area A to be rezoned to OL and be developed with a ministorage business.

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that OL zoning May Be Found In Accordance with the Low Intensity designations of the Comprehensive Plan Land Use Map.

Page 7, item numbered 1 of the Comprehensive Plan states:

"The Bixby Comprehensive Plan map depicts desired land uses, intensities and use and development patterns to the year 2020. Intensities depicted for undeveloped lands are intended to develop as shown. Land uses depicted for undeveloped lands are recommendations which may vary in accordance with the Intensities depicted for those lands." (emphasis added)

This language is also found on page 30, item numbered 5.

This text introduces a test to the interpretation of the Comprehensive Plan Land Use Map, in addition to the Matrix: (1) If a parcel is within an area designated with a specific "Land Use" (other than "vacant, agricultural, rural residences, and open land," which cannot be interpreted as permanently-planned land uses), and (2) if said parcel is undeveloped, the "Land Use" designation on the Map should be interpreted to "recommend" how the parcel should be zoned and developed. Therefore, the "Land Use" designation of the Comprehensive Plan Land Use Map should also inform/provide direction on how rezoning applications should be considered by the Planning Commission and City Council.

If approved to remove the Residential Area specific land use designation, BCPA-9 would not confer a new one.

Per the Matrix, PUDs (as a zoning district) are In Accordance or May Be Found In Accordance with all designations of the Comprehensive Plan Land Use Map, and thus PUD 77 would be In Accordance with the Comprehensive Plan as a zoning district.

General. Because the review methodology is similar, and all three (3) applications are essentially rezoning-related and propose to prepare the subject property for the same ministorage development, this review will, for the most part, include all three (3) applications simultaneously, and not attempt to differentiate between the analyses pertaining to each of the different applications.

The submitted site plans for the development exhibit a suburban-style design. The plan indicates essentially three (3) rows of ministorage buildings, with internal drives connecting them. Primary access would be through an "Existing 25' Access Easement" through the Boardwalk on Memorial shopping center parking lot. The entrance will be gated past the leasing office and parking area. Secondary, emergency-only ingress/egress would be through a driveway connecting the southeast corner of Development Area A through the south/west side of the residential lot to S. 85th E. Pl. Per revised plans received April 09, 2013, another emergency-only gated entrance will be installed at the west end of the southerly drive in Development Area A, to allow a "straight shot" drive to the emergency-only ingress/egress at the southeast corner of the PUD. This revision will allow the reduction in the 30'

minimum building spacing for that drive only per the Fire Marshal, since the 30' spacing between buildings is primarily to ensure adequate spacing for fire apparatus turning movements and thus, removing the need for turning movements from that drive reduces the drive width requirement.

For stormwater drainage and detention purposes, a stormwater detention pond will be constructed at the northeast corner of DA A. This will, in turn, drain into the un-named upstream tributary of Fry Creek # 1.

In the interest of efficiency and avoiding redundancy, regarding PUD particulars for needed corrections and site development considerations, such as screening, buffering, and exterior materials, please review the recommended Conditions of Approval as listed at the end of this report.

The Fire Marshal's, City Engineer's, and City Attorney's review correspondence are attached to this Staff Report (if received). Their comments are incorporated herein by reference and should be made conditions of approval where not satisfied at the time of approval.

The Technical Advisory Committee (TAC) discussed PUD 77 at its regular meeting held March 04, 2013. Minutes of that meeting are attached to this report.

Access. The proposed internal automobile traffic and pedestrian flow and circulation and parking can be inferred from the provided site plans.

Development Area A is "landlocked," having no frontage on a dedicated and built public street. Access will be provided by means of Mutual Access Easements from adjoining lots with public street frontage and between lots within the development.

The development is planned to have two (2) means of ingress / egress through The Boardwalk on Memorial shopping center, which will lead to two (2) entrances / gates at the west end of DA A. The routes as planned for the two (2) drives through the shopping center must be legally provided by dedication of Mutual Access Easement(s). The Applicant needs to provide in the appropriate section of the Text a timeline for the dedication or a citation of Document # where such easement(s) is/are recorded.

The two (2) Mutual Access Easements to connect and allow cross access between proposed Lots 1 and 2, Block 1, "Byrnes Mini-Storages," must be represented on the Exhibit A "Preliminary Plat" and other Exhibits as appropriate.

At the east end of the PUD, a 26'-wide emergency-only ingress/egress drive will be constructed through Development Area B, connecting DA A to 85th Pl. E. It is not clear, from the provided plans, whether and to what extent that 26'-wide drive will fall on Lot 12, Block 2, Southern Memorial Acres No. 2. Per the plans, part of the drive may fall on that residential lot by means of a 15'-wide Mutual Access Easement. The plans cite the recordation of the easement with Document # 2013018388, which is a "Roadway Easement" granted from Gail & John Horne to The Helene V. Byrnes Foundation, recorded 02/22/2013. The document grants easement over "The Northwestern 15 feet" of Lot 12. Based on its representation on the provided exhibits, it is assumed to have meant the "Northeasterly 15 feet." Otherwise, the described area may be a pie-shaped piece extending southeasterly from the northwest corner of said Lot 12, which may not allow for the emergency-only 26'-wide drive as shown on the plans. The Applicant should clarify and/or amend the easement if/as needed.

Development Area A has frontage on the northerly dead-end of S. 85th E. Ave., a half-street platted in Gre-Mac Acres but not built. The PUD Text needs to specify that access to this platted right-of-way will not be allowed within this PUD.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning patterns are primarily CS, OL, AG, RS-1, and RS-2.

To the north is a single-family residence on a 7-acre tract zoned OL and AG, the PUD 68 "North Bixby Commerce Park" pending development on a 16-acre tract with underlying zoning CS and OL, a drainage channel, and residential homes in Houser Addition zoned RS-1. "North Bixby Commerce Park" consisted of (1) a ministorage development on the southerly approximately 8 acres, a "trade center" / "office-warehouse" development on the middle approximately 5 acres, and a retail commercial site on the balance of the acreage at its north end along 121st St. S. Thus, the City of Bixby has recently approved OL zoning and ministorage development for the tract abutting to the north, similar to the present applications. To the northwest at 12113 S. Memorial Dr. is the Spartan Self Storage, a 1-acre ministorage development which appears to have 0' setbacks along the north/side, east/rear, and south/side property lines. The Tulsa County Assessor's parcel records indicate the facility was constructed in 1998.

The The Boardwalk on Memorial shopping center to the west is zoned CS/PUD 29-A, and Memorial Dr. is further west zoned CS and CG. On March 25, 2013, the City Council Approved/Conditionally

approved PUD 76, CG zoning per BZ-364, and a Preliminary Plat of "Scenic Village Park," a multiple-use development, including ministorage, on 92 acres located approximately 1/3 of a mile west of subject property.

South and east of the subject property is single-family residential zoned RS-1 in Gre-Mac Acres along 124th St. S. and RS-2 in Southern Memorial Acres No. 2. Care must be applied when allowing the non-residential zoning and ministorage business land use to abut residential zoning and land use.

The requested OL zoning would be a logical extension of the two (2) established OL districts to the north, one (1) of which is abutting. Further, the location of BZ-365 would place the OL district between CS districts abutting to the north and west and the RS districts abutting to the south and east, and so the OL could serve as a buffer zoning district between CS and RS. OL zoning is the lowest-intensity non-residential district available in the City of Bixby, and is commonly used as a buffer zoning district between higher-intensity uses and residential districts. Ministorage itself is commonly used as a buffer land use between higher intensity uses and residential districts.

Recognizing its landlocked position and long and narrow tract configuration, Staff believes that the location and configuration of Development Area A and the character surrounding area satisfactorily meet the expectations of Zoning Code Section 11-9-16.C.13 for ministorage developments.

Therefore, Staff is supportive of BCPA-9 and OL zoning as requested by BZ-365, as refined by PUD 77. Staff has certain recommendations as to the specifics of PUD 77 to enhance the compatibility of the development with the residential neighborhood to the south and east, listed in the Staff Recommendation section of this report.

Zoning Code Section 11-7I-8.C requires PUDs be found to comply with the following prerequisites:

1. Whether the PUD is consistent with the comprehensive plan;
2. Whether the PUD harmonizes with the existing and expected development of surrounding areas;
3. Whether the PUD is a unified treatment of the development possibilities of the project site; and
4. Whether the PUD is consistent with the stated purposes and standards of this article.

Regarding the fourth item, the "standards" refer to the requirements for PUDs generally and, per Section 11-7I-2, the "purposes" include:

- A. Permit innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties;
- B. Permit flexibility within the development to best utilize the unique physical features of the particular site;
- C. Provide and preserve meaningful open space; and
- D. Achieve a continuity of function and design within the development.

For the sake of development and land use compatibility, as described more fully above, Staff would be supportive of the three requests supporting the development proposal if it provides for land use buffering and compatibility needs. If these were satisfactorily provided for, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will have been met.

Staff Recommendation. For all the reasons outlined above, Staff believes that the surrounding zoning and land uses and the physical facts of the area weigh in favor of the requested amendment and rezoning applications generally. Therefore, Staff recommends Approval of both requests, subject to the following corrections, modifications, and Conditions of Approval:

1. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations.
2. Please secure and submit easements (or other acceptable form of legal agreement) to allow incidental construction activities and future building wall maintenance activities on the two (2) parcels adjoining to the north, to allow the buildings to be constructed on the north property line.

3. *Please submit clear and compelling information on what the building wall would look like on the south side, as facing the residential homes, in order to not have to install a screening fence along the south line, 4' from the building. A note on site plan states "Back wall of building to be stamped concrete to resemble brick." This needs to be operationalized by placing text into the Development Standards for DA A. Further, please submit an example or exhibit of the "stamped concrete" actually proposed, for the review and approval of the Planning Commission and City Council. Unless the Planning Commission and City Council can be convinced that the "stamped concrete" will be consistent in quality in terms of appearance and resistance to weathering, cracking, and fading, Staff recommends actual brick be used along the south line, in respect to the residential neighborhood. This also applies to the east end of the southernmost building, which appears to be approximately 5' from the west/rear yard line of the residential Lot 12, Block 2, Southern Memorial Acres No. 2.*

In the PUD received April 26, 2013, certain standards have been proposed but which are not fully consistent with Staff's recommendations. Reconciliation is recommended.

4. *In addition to the southerly property line as discussed elsewhere, Zoning Code Section 11-9-16.C.3, the masonry building wall and screening fence requirements would appear to apply to:*
 - a. *The north building wall of the northernmost buildings (to the extent adjoining OL zoning, and potentially visible from RS-1 zoning in Houser Addition),*
 - b. *The north property line (to the extent adjoining OL zoning, and potentially visible from RS-1 zoning in Houser Addition),*
 - c. *The east property line (adjoining RS-2 zoning),*
 - d. *The east-facing ends of three (3) easternmost buildings (adjoining RS-2 zoning).*
 - e. *The west-facing ends of three (3) westernmost buildings (visible from RS-2 zoning).**The PUD Text needs to list and describe building wall and screening fence materials to be applied to each of the above, and the same need to be labeled on the appropriate Exhibit(s).*

In the PUD received April 26, 2013, certain standards have been proposed but which are not fully consistent with Staff's recommendations. Reconciliation is recommended.

5. *The modular pre-fabricated storage buildings come in 10' X 10' increments. Please confirm that these dimensions incorporate the thickness of exteriorly-applied siding materials (masonry or "stamped concrete" tilt-up panels, etc.), or adjust site plans as necessary. For the sake of the residential properties to the south and the other reasons expressed elsewhere in this report, Staff is not supportive of reducing the setback from the south line less than 4' as currently proposed.*
6. *The PUD needs to specify that the existing U/Es will be vacated, and the Applicant will request a Modification/Waiver of the 17.5' Perimeter U/E requirement when platting, and specify to propose, in lieu thereof, a U/E between the northernmost buildings to allow the waterline loop, and future utilities as may be necessary.*
7. *"Roadway Easement" granted from Gail & John Horne to The Helene V. Byrnes Foundation, Document # 2013018388, recorded 02/22/2013, grants easement over "The Northwesterly 15 feet" of Lot 12. Based on its representation on the provided exhibits, it is assumed to have meant the "Northeasterly 15 feet." Otherwise, the described area may be a pie-shaped piece extending southeasterly from the northwest corner of said Lot 12, which may not allow for the emergency-only 26'-wide drive as shown on the plans. Please clarify and/or correct easement if/as needed.*
8. *Page 2, DA B Minimum Building Setbacks: Zoning Code citation needs to use a period instead of a colon to remove ambiguity.*
9. *Page 3, Section C.1.a: First sentence wording suggests a screening fence will be installed along the north line. Please clarify.*
10. *Page 3, Section C.1.a: Staff recommends adding a 4'-wide "Existing Tree Preservation and Landscaping Easement" along the entirety of the south line of DA A, as per other recommendations in this report. Please add this to the narrative here, stating that all existing mature trees of a certain minimum caliper (and define same) within the 4' easement will be preserved, or replaced through time at a 2:1 ratio, and new landscaping will be planted, spaced X' (20' maximum) on center, for areas currently containing no trees, in consideration of the requested removal of the requirement for a screening fence along the south property line of DA A. Describe what new landscaping will be installed, which must be found satisfactory to the*

Planning Commission and City Council. Specify that the new landscaping will be replaced through time at a 1:1 ratio. Describe how new landscaping will be irrigated and how the minimum “drip line” requirements of the landscaping chapter of the Zoning Code will be met, at least in spirit and intent.

In the PUD received April 26, 2013, certain standards have been proposed but which are not fully consistent with Staff’s recommendations. Reconciliation is recommended.

11. Page 3, Section C.1: Please quantify how much landscaping will be proposed for which property lines (landscaped strip widths, landscaped areas, and tree counts), recognizing the following minimum setbacks/minimum required landscaped areas and landscaping tree requirements as per Zoning Code Sections 11-7I-5.E and 11-7C-4 Table 3 and this PUD:
 - a. The west approximately 68’ of the north line of DA A abutting AG zoning has a 10’ setback therefrom (680 square feet = 1 landscaping tree; 15% of this area must be landscaped).
 - b. The East Line of DA A, abutting RS-2 zoning for a distance of 170’, has a 10’ setback therefrom (1,700 square feet = 2 landscaping trees; 15% of this area must be landscaped).
 - c. The South Line of DA A, abutting RS-1 zoning for a distance of approximately 723.74’, has a 10’ setback therefrom (7,237.4 square feet = 8 landscaping trees; 15% of this area must be landscaped).
 - d. The 170’-long West Line of DA A has a 15’ setback therefrom (2,550 square feet = 3 landscaping trees; 15% of this area must be landscaped).

Any proposed reductions from the above must be spelled out and approved as a part of this PUD and the same must be compensated for by alternative landscape plans, in recognition of Zoning Code Section 11-7I-5.E. Recognizing that this PUD, as proposed, grants flexibility from the setbacks per a., b., and c. and from the screening fence requirement for ministorage uses along the north and south lines of DA A, the proposed standards should demonstrate that the combination of existing tree preservation and new tree plantings will be more than the minimum standards as would otherwise be required.

In the PUD received April 26, 2013, certain standards have been proposed but which are not fully consistent with Staff’s recommendations. Reconciliation is recommended.

12. Page 3, Section C.2.a: Please specify that the one (1) “ground monument sign” “shall” not exceed 15’ in height (used term “will” connotes intent at this point in time, and does not clearly have obligatory effect in this context).
13. Page 4, Section C.7 Access, Circulation and Parking: Describe plans for access such as identified in this analysis:
 - a. The gated emergency-only ingress/egress through Lot 11, Block 2, Southern Memorial Acres No. 2 to S. 85th Pl. E., to include
 - b. Whether and to what extent that 26’-wide drive will fall on Lot 12, Block 2, Southern Memorial Acres No. 2, and
 - c. If the “Roadway Easement” on Lot 12, Block 2, Southern Memorial Acres No. 2 was adequately described therein or requires amendment.
14. Exhibits A, B, F, & G: Please represent and label existing U/Es (with notation that same are subject to being vacated) and proposed new U/E (see related review item).
15. Exhibit A “Preliminary Plat”: Approval of Exhibit A as a part of this PUD, though titled “Preliminary Plat,” would not constitute the approval of an application for Preliminary Plat of “Byrnes Mini-Storages,” which will require submission of an application and a full review for Preliminary Plat approval. Staff has not reviewed Exhibit A fully as if it were a Preliminary Plat.
16. Exhibit B: Please dimension existing and proposed setbacks as follows:
 - a. Three (3) westernmost buildings from the west property line.
 - b. Northernmost two (2) buildings from the east line of proposed Lot 1, Block 1, “Byrnes Mini-Storages.”
 - c. Southernmost building from the east line of proposed Lot 2, Block 1, “Byrnes Mini-Storages.”
 - d. House in Development Area B / proposed Lot 3, Block 1, “Byrnes Mini-Storages” from (at a minimum) front, northeast/side, and 135’-wide west/rear property lines.

17. Exhibit B: Please label Development Areas as stated in Introduction section on page 1.
18. Exhibit B: Please label proposed fence height and materials as per other recommendations in this report. Fence notation completely missing at southwest corner of DA A.
19. Exhibit C: Please restore PUD name or add PUD #.
20. Exhibit G: Please confirm all existing trees of a certain minimum caliper (must be defined) are represented within X' (4' minimum) north and south of the south line of DA A and represent any currently missing. Aerial and satellite imagery indicate several other trees than are represented on the exhibit, but their sizes are not known.
21. For the recommended Conditions of Approval necessarily requiring changes to the text or exhibits, recognizing the difficulty of attaching Conditions of Approval to PUD ordinances due to the legal requirements for posting, reading, and administering ordinance adoption, please incorporate the changes into appropriate sections of the PUD, or with reasonable amendments as needed. Please incorporate also the other conditions listed here which cannot be fully completed by the time of City Council ordinance approval, due to being requirements for ongoing or future actions, etc. Per the City Attorney, if conditions are not incorporated into the PUD text and exhibits prior to City Council consideration of an approval ordinance, the ordinance adoption item will be Continued to the next City Council meeting agenda.
22. A corrected PUD text and exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: Two (2) hard copies and one (1) electronic copy (PDF preferred).

Chair Thomas Holland clarified with Erik Enyart that, at the last meeting, all three (3) requests were introduced together and discussed together, but the Motion was only on the Comprehensive Plan Amendment request [per BCPA-9].

Chair Thomas Holland noted that he had made comments on this project in a letter provided at the last meeting.

Chair Thomas Holland asked if the Applicant was present and wished to speak on the item. Applicant JR Donelson of 8410 E. 111th St. S. was present and stated that the Comprehensive Plan was changed in 2009 [for the 16-acre tract abutting to the north], and in 2010, the Planning Commission approved a ministorage an office/warehouse development there. Mr. Donelson stated that, in February of 2013, the Planning Commission approved a PUD for Scenic Village Park including a ministorage-zoned area. Mr. Donelson stated that this would be a continuance of the zoning to the west and would create a buffer [from uses] to the north and west. Mr. Donelson stated, "We believe this is the best use for the property. The PUD is in harmony with surrounding uses and is consistent with the Comprehensive Plan."

Chair Thomas Holland confirmed with JR Donelson that the house on the east end of the PUD was for emergency egress, and that it would not be removed.

Chair Thomas Holland asked if the property was in an AE zone [100-year Floodplain on the FEMA floodplain maps], and JR Donelson responded that only the northeast corner was. Mr. Donelson approached the dais and showed the Commissioners the FEMA floodplain map for the property. Mr. Donelson stated that, with the stroke of a wide marker [the Zone AE 100-year Floodplain would not show up on the map], and suggested FEMA "could have gotten it wrong." Erik Enyart noted that page 81 of the agenda packet was a different version of the same floodplain map Mr. Donelson was exhibiting.

JR Donelson asked Erik Enyart if the Jim Butler property [of 16 acres abutting subject property to the north] was submitted as a CLOMR [Conditional Letter Of Map Revision]. Mr. Enyart responded, "They're approved for CLOMR; I don't know if they've submitted yet for LOMR."

Chair Thomas Holland recognized Matt Talley of 8113 E. 124th St. S. from the Sign-In Sheet. Mr. Talley stated, "I'll let Jim [Specht] speak on my behalf right now."

Chair Thomas Holland recognized Jim Specht of 8109 E. 124th St. S. from the Sign-In Sheet. Mr. Specht stated expressed concern, "In addition to what may have been expressed previously," that the developer had made changes to the screening "after the fact." Mr. Specht asked how the applications compared to the County Zoning Code. Patrick Boulden and Chair Thomas Holland stated that the Tulsa County Zoning Code did not apply. Erik Enyart and the Commissioners noted that the Tulsa County Zoning Code only had jurisdiction outside City Limits. Mr. Specht questioned the different applications and their necessity. Mr. Enyart explained the three (3) parts necessary to make ministorage development work. Mr. Specht asked the Commission to "protect the character of the neighborhood and exclude inharmonious industrial activities." Mr. Specht expressed concern for buffering. Mr. Specht stated that there were ongoing issues and "Flooding has always been an issue back there." Mr. Specht stated that the soil was "gumbo" and that the field crown was made out of the fill from the shopping center, which had been stored on the property for a long time. Mr. Specht stated that the field crown directed water north and south to the swales.

Chair Thomas Holland advised Jim Specht that, if he had concerns [the dirtwork] was "not done properly," he should "get with the City Engineer."

Chair Thomas Holland asked if all of the property was "gumbo" soil, and Jim Specht responded he was not sure if all of it was or just some.

Chair Thomas Holland confirmed with Erik Enyart that the City Engineer would have to approve this. Mr. Enyart stated that it "will be necessary to submit a full round of engineering exercises before it can be built." Mr. Holland clarified with Mr. Enyart that the development would have a [stormwater] detention pond. Mr. Enyart stated that it would be located at the northeast corner of the development site.

Larry Whiteley asked Jim Specht what the [drainage conditions] looked like. Mr. Specht stated that his property was "on the lesser end of [the drainage issue]." Mr. Whiteley stated that he had walked the whole length of the property and saw the backyards [abutting to the south]. Mr. Whiteley stated that he had talked to the City Engineer earlier that day. Mr. Whiteley stated that [the City] should not "hold [the developer] accountable for what happened through the years in your backyards." Mr. Whiteley stated that he had talked to the City Engineer, and "Their plan will not [negatively] affect [the drainage conditions for] you people out there."

Chair Thomas Holland asked JR Donelson about the contours of the land and asked, "Are you elevating?" Mr. Donelson stated that the buildings would be four (4) feet off the [south] property line and the roof would drain into the development. Mr. Donelson stated that he had not worked out the grading plan yet, but that the crown would go away in favor of stormdrains and inlets between the buildings. Mr. Donelson stated that the crown would be taken off and it may be that that dirt is

added to the pad sites. Mr. Donelson stated that a soils engineer would give recommendations for the foundations and pavement. Mr. Donelson stated that there were three (3) ways to stabilize soils.

Bill Wilson stated that, in addition, there was a French drain 6' deep and 3' wide filled with gravel, and [if approved] it would be moved to the south side of the [southerly building] wall. Mr. Wilson stated, in regard to the elevation of his property, "Mine is lower than theirs."

Larry Whiteley asked the Applicant, "Will [your development plans] help their property drain?" Bill Wilson stated that it should but the tree line needed to be "knocked down."

JR Donelson stated that the City of Bixby had put a lot of money into improving the borrow ditches and drainage in the east end of the subdivision.

Lance Whisman discussed his experience with stormwater regulations and expressed concern for stormwater drainage. Erik Enyart clarified with Mr. Whisman that Bixby's stormwater regulations do allow more stormwater drainage as "necessarily there will be more, but it cannot exceed the rate [of discharge] as before development." Mr. Whisman expressed concern that the development may serve as a barrier to drainage patterns as existed before, and that he had not heard anything about that. Discussion ensued.

Chair Thomas Holland asked to entertain a Motion. Larry Whiteley made a MOTION to RECOMMEND APPROVAL of BCPA-9. Mr. Whiteley stated, "I don't see what they want to do will affect you."

Lance Whisman stated, "I don't have a comfort level with what happened before and what they're doing now."

Chair Thomas Holland stated, "I haven't heard anyone complain that they would back up to storage units." Mr. Holland stated that this was an "extremely sensitive area," and he had "seen it flood horribly. It never dries out back there. I don't have a warm and fuzzy feeling."

Chair Thomas Holland observed that there had not been a Second.

Patrick Boulden declared that the Motion "Fails for lack of Second."

Lance Whisman made a MOTION to RECOMMEND DENIAL of BCPA-9. Mr. Whisman stated that his Motion was based on the concerns he had.

Chair Thomas Holland stated that the subject property was in "an extremely sensitive area," and expressed concern that the NFIP was making changes which he was concerned would affect this area.

Chair Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland & Whisman
NAY: Whiteley.
ABSTAIN: None.
MOTION CARRIED: 2:1:0

JR Donelson clarified with Erik Enyart that this application would be on the City Council agenda the following [Tuesday]. Mr. Enyart asked Patrick Boulden if BCPA-9 would have to be appealed to be on that agenda. Mr. Boulden responded, "I see no provisions" requiring appeal.

Chair Thomas Holland asked Erik Enyart if the other two (2) related applications had to be voted on [recognizing the Commission's vote on BCPA-9]. Mr. Enyart responded that they were on the agenda and requested by the Applicant for an "up or down vote." Mr. Holland stated that the other two (2) applications could not be approved if the Comprehensive Plan Amendment was not approved. Mr. Enyart stated that the Applicant could make these applications without the Comprehensive Plan Amendment request, but in that case, it would automatically be recommended for denial. Mr. Enyart stated that, in that case, "it still gets an up or down vote."

4. (Continued from March 18, April 15, and May 02, 2013)

PUD 77 – "Byrnes Mini-Storage" – JR Donelson, Inc. Public Hearing, discussion, and consideration of a rezoning request for approval of a Planned Unit Development (PUD) for approximately 3.4 acres consisting of part of Lot 1, Block 1, *The Boardwalk on Memorial*, part of the NW/4 of Section 01, T17N, R13E, and All of Lot 11, Block 2, *Southern Memorial Acres No. 2*.

Property Located: 12345 S. Memorial Dr. and/or 12404 S. 85th E. Pl.

5. (Continued from March 18, April 15, and May 02, 2013)

BZ-365 – William W. Wilson for Helene V. Byrnes Foundation. Public Hearing, discussion, and consideration of a rezoning request from AG Agricultural District to OL Office Low Intensity District for approximately 2.9 acres consisting of part of Lot 1, Block 1, *The Boardwalk on Memorial* and part of the NW/4 of Section 01, T17N, R13E.

Property Located: 12345 S. Memorial Dr. and/or 12404 S. 85th E. Pl.

Chair Thomas Holland introduced Agenda Items # 4 and 5 and asked JR Donelson if he had any preferences on whether or not they were voted on together or separately. Mr. Donelson requested that they be voted on separately.

Lance Whisman made a MOTION to RECOMMEND DENIAL of PUD 77 "because it does not currently meet the Comprehensive Plan." Chair Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland & Whisman
NAY: Whiteley.
ABSTAIN: None.
MOTION CARRIED: 2:1:0

Lance Whisman made a MOTION to RECOMMEND DENIAL of BZ-365 “because it does not currently meet the Comprehensive Plan.” Chair Thomas Holland SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland & Whisman
NAY: Whiteley.
ABSTAIN: None.
MOTION CARRIED: 2:1:0

Chair Thomas Holland stated that PUD 77 and BZ-365 should be brought back to the Planning Commission for public hearing and possible recommendations on conditions. Discussion ensued.

Erik Enyart asked Patrick Boulden if it was acceptable for the Commission to consider such a Motion if “outside the context of a specific item,” since they had been [dispatched], or if the Commission should reintroduce the items. Mr. Boulden indicated that the Commission could take up the Motion at this time.

Upon clarification on wording with Erik Enyart, Chair Thomas Holland made a MOTION that, in regard to Agenda Items # 4 [PUD 77] and 5 [BZ-365], if the Council approved them, it remand them to the Planning Commission for further deliberation on possible Conditions of Approval. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, & Whisman
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 3:0:0

JR Donelson clarified with Erik Enyart that all three (3) applications would be on the City Council agenda for Tuesday, May 28, 2013, since Monday was the Memorial Day holiday.

Someone asked, and Erik Enyart responded that it would be necessary to readvertise the Public Notice for such remanded cases, “because the Public Notice is complete as of these cases.”

PLATS

6. **Sketch Plat – Seven Lakes III – HRAOK, Inc.** Discussion and consideration of a Sketch Plat for “Seven Lakes III” for approximately 40 acres in part of the W/2 of Section 02, T17N, R13E.
Property Located: South and east of the intersection of 121st St. S. and Sheridan Rd.

Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission

From: Erik Enyart, AICP, City Planner
Date: Wednesday, May 15, 2013
RE: Report and Recommendations for:
Sketch Plat of "Seven Lakes III"

LOCATION: – South and east of the intersection of 121st St. S. and Sheridan Rd.
– North of Seven Lakes I and Seven Lakes II
– Part of the W/2 of Section 02, T17N, R13E.

LOT SIZE: 40.64 acres, more or less

EXISTING ZONING: RS-4 Residential Single Family District

EXISTING USE: Vacant

REQUEST: Sketch Plat approval for 131-lot residential subdivision

SURROUNDING ZONING AND LAND USE:

North: AG; A 20-acre unplatted tract containing a house and otherwise vacant/wooded land owned by John Tiger et al., an unplatted 12-acre vacant tract owned by Tulsa County, and an unplatted vacant and wooded 20-acre tract owned by the City of Bixby.

South: RS-4; Single family residential in Seven Lakes I and Seven Lakes II.

East: AG & CG/PUD 76; The Fry Creek Ditch # 2 right-of-way with a 92-acre tract of agricultural land to the east of that zoned CG with PUD 76.

West: (across Sheridan Rd.) AG; Unplatted agricultural and vacant land owned by the Bixby School District in the City of Tulsa.

COMPREHENSIVE PLAN: Low Intensity + Vacant, Agricultural, Rural Residences, and Open Land.

PREVIOUS/RELATED CASES:

BZ-309 – Wynona Brooks, Trustee of Mildred A. Kienlen A Revocable Living Trust – Request for rezoning from AG to RS-4 for area including Seven Lakes I, subject property, and 23 acres abutting to the north – PC recommended Approval 01/18/2005 and City Council Approved 02/14/2005 (Ord. # 901).

Preliminary Plat of Seven Lakes II – Request for Preliminary Plat approval for "Seven Lakes II" for Seven Lakes II, which at that time included 36.24 acres of the subject property – PC recommended Conditional Approval 05/19/2008 and City Council Conditionally Approved 05/27/2008.

RELEVANT AREA CASE HISTORY: (not a complete list)

Preliminary Plat of Seven Lakes I – Request for Preliminary Plat approval for Seven Lakes I abutting subject property to the south – PC recommended Approval 06/20/2005 and City Council Approved 06/27/2005.

Final Plat of Seven Lakes I – Request for Final Plat approval for Seven Lakes I abutting subject property to the south – PC recommended Approval 10/16/2006 and City Council Approved 10/23/2006 (Plat # 6113 recorded 04/26/2007).

Preliminary Plat of Seven Lakes II – Request for Preliminary Plat approval for Seven Lakes II to the south of subject property (area reduced in size and to 59 lots as compared to original submittal) – PC recommended Conditional Approval 09/21/2011 and City Council Conditionally Approved 09/26/2011 (Approval expired 09/26/2012 per the Subdivision Regulations).

Preliminary Plat of Seven Lakes II (Resubmitted) – Request for Preliminary Plat approval for Seven Lakes II to the south of subject property (area reduced in size and to 59 lots as compared to original submittal) – PC recommended Conditional Approval 11/19/2012 and City Council Conditionally Approved 11/26/2012.

Final Plat of Seven Lakes II – Request for Final Plat approval for Seven Lakes II abutting subject property to the south (area reduced in size and to 59 lots as compared to original submittal) – PC recommended Conditional Approval 11/19/2012 and City Council Conditionally Approved 11/26/2012 (Plat # 6457 recorded 01/16/2013).

BACKGROUND INFORMATION:

Sketch Plats are to be encouraged, in order to get the City's, TAC's, and Planning Commission's early and constructive input, and to gain approval of the conceptual subdivision layout, without significant developer investments in a singular plan, which can be expensive to modify once it has reached the Preliminary Plat and Preliminary Engineering Plans stage.

Ordinance # 2026, adopted October 12, 2009, introduced a Sketch Plat application process, by which this Sketch Plat is being reviewed. In addition to reviewing for basic Zoning Code and Subdivision Regulations compliance and subdivision design, this report focuses more on correcting provided information, and not listing items missing from the Sketch Plat in order for it to meet a standard for a Preliminary or Final Plat. The Applicant should review the Subdivision Regulations for informational requirements for those plat applications when they are being prepared.

ANALYSIS:

Property Conditions. The subject property of 40.64 acres is vacant and zoned RS-4. The development will be designed to collect stormwater and drain it to the east to Fry Creek Ditch # 2. Within this plat area, the streets and two (2) of the “lakes” in “Seven Lakes” were already “rough cut” during or after the development of the first phase.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Low Intensity and (2) Vacant, Agricultural, Rural Residences, and Open Land.

The single family housing development anticipated by this plat would be consistent with the Comprehensive Plan.

General. This subdivision of 40.64 acres, more or less, proposes 131 lots, seven (7) blocks, and three (3) Reserves (only 2 reported in the Land Summary statistics). The plat divides the subdivision into two (2) phases. Phase I will include the new street connection to Sheridan Rd., providing a secondary means of ingress/egress for the entire Seven Lakes development. This second street intersection will replace the temporary access road built with Seven Lakes I just to the north of 126th St. S.

The Seven Lakes development, and this plat, represents a conventional but attractive design, with uniquely crisscrossed curvilinear streets and no true cul-de-sacs, interspersed with Reserves for water amenities. The subdivision is similar to Seven Lakes I and Seven Lakes II, both abutting to the south, with relatively similar-sized and configured lots. Typical lots range from 65' X 120' (7,800 square feet, 0.18 acres) to 75' X 120' (9,000 square feet, 0.21 acres). All lots appear to meet RS-4 zoning standards.

The Technical Advisory Committee (TAC) reviewed this Preliminary Plat on May 01, 2013. The Minutes of the meeting are attached to this report.

The Fire Marshal's, City Engineer's, and City Attorney's memos are attached to this Staff Report (if received). Their comments are incorporated herein by reference and should be made conditions of approval where not satisfied at the time of approval.

Access and Internal Circulation. Primary access to the subdivision would be via one (1) street connecting to Sheridan Rd.

Staff Recommendation. Staff recommends Approval of the Sketch Plat with the following corrections, modifications, and Conditions of Approval:

1. With the Preliminary Plat, the Applicant will need to request a Modification/Waiver from Subdivision Regulations Section 12-3-4.F, as Lot 15, Block 2, and Lot 7, Block 1 (and potentially others) appear to exceed the 2:1 maximum depth to width ratio as per SRs Section 12-3-4.F. The Modification/Waiver may be justified by citing its necessity as a product of an attractive subdivision design defined by the crisscrossing, curvilinear street network with no true cul-de-sacs, interspersed with Reserves for water amenities.
2. With the Preliminary Plat, the Applicant will need to request a Modification/Waiver from Subdivision Regulations Section 12-3-3.A, if any utility easements would not achieve the minimum width standards at 17.5' for perimeters. Such request may be justified by demonstrating where an 11' U/E will be back to back with another 11' in abutting subdivision, resulting in a 22'-wide U/E corridor between the subdivisions. Other justifications may be offered and deemed adequate.
3. Based on GIS aerial and parcel data, it appears that the northeastern-most lots, Lots 34 and 35, Block 5, include the access road, and possibly even the concrete trickle-channel otherwise owned by Tulsa County and the City of Bixby (possibly known as a 'wetland remediation' or 'wetland compensatory mitigation' area). Please confirm property ownership patterns and/or any public easements that may affect this area.
4. It appears that the Reserve Areas are assigned unique letters A through H in the three (3) subdivisions. This may be for purposes of having a singular HOA responsible for maintenance of the Reserve Areas. Seven Lakes I has Reserve Areas D, E, F, G, and H. Seven Lakes II has Reserve Areas A, B, and C. “Seven Lakes III” would have Reserve Areas “C,” “F,” and two (2) unnamed 20'-wide “handle” access Reserve Areas which connect to Reserve Area B in Seven

Lakes II. In this phase III, "C" would be a duplicate name as that found in Seven Lakes I. Also in phase III, Reserve Area "F" is one of the "lakes" which would connect to the "handle" Reserve "F" in Seven Lakes I. This would make sense if the Reserve Areas are to be uniquely named and "F" was to be recognized as a singular Reserve Area platted in two (2) parts. If that is the case, the unnamed 20'-wide "handle" access Reserve Areas connecting to Reserve Area B in Seven Lakes II could also be named Reserve Area "B." The duplication of Reserve Area C, however, may need to be addressed.

- 5. Please label the width of the 'handle' access to "Reserve C."*
- 6. Block 5: Similar to Reserve C in Seven Lakes II, consider adding a pedestrian access Reserve Area to connect the neighborhoods to the Fry Creek # 2, which may ultimately have a trail on this west side. Please update Block numbers if added.*
- 7. Please indicate the Sectionline, label Sheridan Rd. and indicate its roadway width and centerline, and dimension the right-of-way dedication.*
- 8. Please change the Sheridan Rd. intersection street name to "East 125th Street South."*
- 9. Please change the "E. 125th Pl." street name to 68th E. Ave. corresponding with Seven Lakes II.*
- 10. Per the SRs provisions pertaining to Sketch Plat approvals, please add the legal description and point of beginning, if available.*
- 11. Per the SRs provisions pertaining to Sketch Plat approvals, please add "lot areas (in square feet or fractional acres) on each lot or in a chart or schedule for Zoning Code compliance review."*
- 12. The Location Map should label Seven Lakes II (reference SRs Section 12-4-2.A.5).*
- 13. The Land Summary statistics report two (2) Reserve Areas, but there are two (2) named and two (2) unnamed Reserve Areas in the plat. If the unnamed are identified as Reserve Area "B," as suggested herein, that would Reserve Area # 3.*
- 14. For the sake of clarity, the Land Summary statistics on the plat face should list the total for the plat (rather than by Phase) or otherwise list both phases on both pages.*
- 15. Lots 1 and 2, Block 6, and Lot 18, Block 6 are completely separated from the balance of Block 6 by an unnamed 20' Reserve Area. Per the definition of "Block" in the Subdivision Regulations and the typical block numbering conventions, the areas need to be separate blocks.*
- 16. Please update Land Summary statistics to add the new block numbers recommended herein.*
- 17. As noted and requested by the TAC, where they are missing, please add 20' front yard U/Es for front-yard utility service as done throughout the balance of the Seven Lakes development (electric and natural gas, at a minimum).*
- 18. Rather than 25'-wide front-yard U/Es as sometimes shown, consider a 20' U/E to provide a 5' buffer area, or the amount necessary to protect the integrity of the foundation and supporting wall, in the event of excavation of the U/E up to its interior edge.*
- 19. Streets should be labeled as to width.*
- 20. Consider the size and configuration of Lot 16, Block 4 for possible enhancement.*
- 21. A copy of the Sketch Plat including all recommended corrections shall be submitted for placement in the permanent file.*

The Applicant was not present. Erik Enyart offered to forward to the Applicant information on the Planning Commission's action.

Upon a question, Erik Enyart confirmed that the typical lot in this phase of "Seven Lakes" was larger than the typical lot in the first two (2) phases.

Chair Thomas Holland asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Sketch Plat subject to the corrections, modifications, and Conditions of Approval as recommended by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, & Whisman
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 3:0:0

7. **Final Plat – Scenic Village Park – Tanner Consulting, LLC (PUD 76).** Discussion and consideration of a Final Plat and certain Modifications/Waivers for “Scenic Village Park” for 22 acres in part of the E/2 of Section 02, T17N, R13E.
Property Located: South and west of the intersection of 121st St. S. and Memorial Dr.
-

Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Wednesday, May 15, 2013
RE: Report and Recommendations for:
Final Plat of “Scenic Village Park” (PUD 76)

LOCATION: – The 7300-block of E. 121st St. S.
– South and west of the intersection of 121st St. S. and Memorial Dr.
– Part of the E/2 of Section 02, T17N, R13E

SIZE: – 21.965 acres, more or less (plat area)
– 92 acres, more or less (parent tract)

EXISTING ZONING: CG General Commercial District with PUD 76

EXISTING USE: Agricultural

REQUEST: Final Plat approval

SURROUNDING ZONING AND LAND USE:

North: (Across 121st St. S.) RS-3, RS-1, AG, & OL/CS/PUD 51; The Fox Hollow and North Heights Addition residential subdivisions; the Fry Creek Ditch # 2 and the North Elementary and North 5th & 6th Grade Center school campuses to the northwest zoned AG; agricultural land to the northeast zoned OL/CS/PUD 51.

South: AG & CS/PUD 37; Fry Creek Ditch # 1 to the south zoned AG and the Crosscreek “office/warehouse” heavy commercial / trade center and retail strip center zoned CS with PUD 37.

East: AG, CG, RS-3, OL, CS, & RM-2/PUD 70; Agricultural land, the Easton Sod sales lot zoned RS-3, OL, & CS, the Encore on Memorial upscale apartment complex zoned RM-2/PUD 70, a Pizza Hut zoned CG, and a My Dentist Dental Clinic zoned CS; Memorial Dr. is further to the east.

West: AG & RS-4; Fry Creek Ditch #2; beyond this to the west is vacant/wooded land owned by the City of Bixby, the Three Oaks Smoke Shop located on a 2-acre tract at 7060 E. 121st St. S., the Seven Lakes I and Seven Lakes II residential subdivisions, and additional vacant land zoned RS-4 for a future “Seven Lakes” phase or phases.

COMPREHENSIVE PLAN: Corridor + Vacant, Agricultural, Rural Residences, and Open Land.

PREVIOUS/RELATED CASES:

BBOA-367 – Holley Hair for Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 “golf teaching and practice facility” on part of the parent tract subject property – BOA Conditionally Approved 04/02/2001 (not since built).

BBOA-442 – Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 golf driving range (evidently same as BBOA-367) on part of the parent tract subject property. Approval of BBOA-367 expired after 3 years, per the Staff Report, and so required re-approval – BOA Approved 05/01/2006 (not since built).

BL-340 – JR Donelson for Charles Roger Knopp Revocable Trust – Request for Lot-Split approval to separate a 41.3384-acre tract from the southern end of the large 140-acre acreage tracts previously owned by Knopp, which includes parent tract subject property – It appears it was Administratively Approved by the City Planner on 07/20/2006, but the Assessor's parcel records do not reflect that the land was ever since divided as approved.

PUD 70 & BZ-347 / PUD 70 (Amended) & BZ-347 (Amended) – Encore on Memorial – Khoury Engineering, Inc. – Request to rezone from AG to RM-3 and approve PUD 70 for a multifamily development on part of parent tract subject property – PC Continued the application on 12/21/2009 at the Applicant's request. PC action 01/19/2010: A Motion to Recommend Approval failed by a vote of two (2) in favor and two (2) opposed, and no followup Motion was made nor followup vote held. The City Council Continued the application on 02/08/2010 to the 02/22/2010 regular meeting "for more research and information," based on indications by the developer about the possibility of finding another site for the development. Before the 02/22/2010 City Council Meeting, the Applicant temporarily withdrew the applications, and the item was removed from the meeting agenda, with the understanding that the applications were going to be amended and resubmitted.

The Amended applications, including the new development site, were submitted 03/11/2010. PC action 04/19/2010 on the Amended Applications: Recommended Conditional Approval by unanimous vote. City Council action 05/10/2010 on the Amended Applications: Entertained the ordinance Second Reading and approved the PUD and rezoning, with the direction to bring an ordinance back to the Council with an Emergency Clause attachment, in order to incorporate the recommended Conditions of Approval. City Council approved both amended applications with the Conditions of Approval written into the approving Ordinance # 2036 on 05/24/2010.

PUD 76 "Scenic Village Park" & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for parent tract subject property – PC recommended Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013 as amended at the meeting.

Preliminary Plat of "Scenic Village Park" – Tanner Consulting, LLC – Request for approval of a Preliminary Plat and a Modification/Waiver from certain right-of-way and roadway paving width standards of Subdivision Regulations Ordinance # 854 Section 9.2.2 for parent tract subject property – PC recommended Conditional Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013.

BACKGROUND INFORMATION:

At its February 27, 2013 meeting, the Planning Commission held a Public Hearing and recommended Conditional Approval by unanimous vote. The Motion was to Recommend APPROVAL of PUD 76 and BZ-364, subject to the corrections, modifications, and Conditions of Approval as recommended by Staff, and to include the three (3) amendments made by the Applicant during the meeting as follows:

1. Adding positive language excluding open air storage in Development Area D,
2. 100% stucco on the west side of buildings in Development Area D, and
3. Color painting of metal roofs in Development Area D to prevent glare.

At its meeting March 11, 2013, the City Council Continued the PUD and rezoning per BZ-364 to the March 25, 2013 Regular Meeting, to allow the attendance of the Councilor in whose Ward the subject property was located.

At its meeting March 25, 2013, the City Council Conditionally Approved PUD 76, to include two (2) additional amendments made by the Applicant during the meeting as follows:

1. Removing language inadvertently allowing, by interpretation, multifamily use in Development Area D ("...and uses permitted by Special Exception within the CG Zoning District..."), and
2. Removing the Alternative Standards in Development Area H allowing multifamily use.

The PUD and rezoning was approved by Ordinance # 2116, which approves the "Outline Development Plan" (Text & Exhibits package) dated as received March 07, 2013. That version included all of the staff and Planning Commission recommendations from the meeting held February 27, 2013 and the three (3) amendments made by the Applicant during that meeting. It did not, however, include the two (2) amendments made by the Applicant at the City Council meeting held March 25, 2013. However, Section 3 of the ordinance provides:

"SECTION 3. That PUD 76 and its Outline Development Plan shall be subject to the development standards and conditions recommended by the City of Bixby Planning Commission in Case No. PUD 76,

as set forth within the record and minutes of the Commission meeting of February 27, 2013, and approved by the City Council on the date of this ordinance." (emphasis added)

Since the amendments were made to the Outline Development Plan during the March 25, 2013 meeting, Section 3 includes them.

For the sake of clarity in the record, Staff recommends the Applicant submit a final copy of the Text and Exhibits incorporating the final two (2) amendments made by the Applicant at the March 25, 2013 City Council meeting.

ANALYSIS:

Property Conditions. The parent tract subject property of 92 acres is relatively flat and appears to drain, if only slightly, to the south and west. The Final Plat area contains the northernmost 21.965 acres of the parent tract subject property. The development will be planned to drain to the south and west to the Fry Creek Ditch # 2 and # 1, respectively, using stormsewers and paying a fee-in-lieu of providing onsite stormwater detention. It is zoned CG with PUD 76 and may or may not be presently used for agricultural crops.

The subject property appears to presently be served by the critical utilities (water, sewer, electric, etc.) and has immediate access to the stormwater drainage capacity in the Fry Creek Ditches abutting the parent tract subject property to the west and south.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Corridor and (2) Vacant, Agricultural, Rural Residences, and Open Land.

The multiple uses anticipated by this plat would be consistent with the Comprehensive Plan.

General. This subdivision of 21.965 acres proposes four (4) lots, three (3) blocks, and no (0) Reserve Areas. The lots appear consistent with their respective PUD 76 Development Area standards. With the exceptions outlined in this report, the Final Plat appears to conform to the Zoning Code and Subdivision Regulations.

The Fire Marshal's, City Engineer's, and City Attorney's review correspondence are attached to this Staff Report (if received). Their comments are incorporated herein by reference and should be made conditions of approval where not satisfied at the time of approval.

The Technical Advisory Committee (TAC) discussed this application at its regular meeting held May 01, 2013. Minutes of that meeting are attached to this report.

Access and Internal Circulation. The plat proposes Limits of No Access (LNA) along all of 121st St. S., to direct all traffic to the two (2) proposed street intersections. However, an Access Opening has been added, with this Final Plat, to a middle part of the 121st St. S. frontage for Lot 1, Block 3 (PUD 76 Development Area E).

As proposed, primary access to the PUD development would be via a proposed collector street connecting 121st St. S. to Memorial Dr. via the existing 126th St. S. constructed in the past couple years. By this collector road, all the Development Areas within the PUD would have access. There is a gap between the existing 126th St. S. right-of-way and the parent tract subject property, suggesting the necessity of separate instrument dedication of right-of-way to connect to 126th St. S. The Applicant has stated that the seller has agreed to dedicate the right-of-way. The Text of PUD 76 confirms that the connection will be required.

The collector street is proposed to intersect with 121st St. S. at the location where there is an existing curb cut/driveway entrance constructed when 121st St. S. was widened. It will be known as 74th E. Ave. to the extent it is a north-south corridor. To the west of this, there is a smaller street proposed to intersect with 73rd E. Ave., which serves Fox Hollow and the North Heights Addition. It will continue south of 121st St. S. with the 73rd E. Ave. name.

Per PUD 76, the collector street will have an 80' right-of-way and 38' roadway width. Per Subdivision Regulations Ordinance # 854 Section 9.2.2, these geometries would be consistent with a residential and/or office collector road. As this is a commercial development, a "Commercial Collector" street would have 80' of right-of-way and 42' of roadway width. Thus, the PUD acknowledges that such geometries must be approved by the Bixby City Council for Modification/Waiver from the Subdivision Regulations, which was requested and approved by the City Council with the Preliminary Plat on March 25, 2013. Per the City Engineer's PUD/Preliminary Plat review memo, turning lanes should be added at certain intersections and turning points, which should serve to ameliorate traffic congestion and so justify a Modification/Waiver.

The minor streets serving Development Areas A and B, at 50' in right-of-way width and 26' of roadway paving width, would be consistent with a minor low density residential street. It would

incidentally serve the westernmost commercial lot in Development Area A, and perhaps the other commercial lot in Development Area A, but would primarily serve an assisted living community. Thus, it would appear more appropriate to be designated a Residential Collector or High Density Residential minor street, which calls for 60' of right-of-way and 36' of roadway width. These geometries, too, received City Council approval of a Modification/Waiver with the Preliminary Plat on March 25, 2013. Recognizing the Collector Road will facilitate most of the traffic, it is reasonable to argue that the ancillary minor streets, serving to allow for a future stoplight at 73rd E. Ave. and primarily serving the assisted living facility, should be afforded flexibility to reduce the minimum required widths.

The proposed access points to 121st St. S. require City Engineer and/or County Engineer curb cut approval, and the Fire Marshal's approval in terms of locations, spacing, widths, and curb return radii.

Staff Recommendation. Staff recommends Approval of the Preliminary Plat subject to the following corrections, modifications, and Conditions of Approval:

1. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and/or City Attorney recommendations.
2. 11' U/E along the south side of plat needs to be increased to 17.5' or supplemented by separate instrument dedication as per Subdivision Regulations and City Engineer.
3. The proposed access points to 121st St. S. require City Engineer and/or County Engineer curb cut approval, and the Fire Marshal's approval in terms of locations, spacing, widths, and curb return radii.
4. Per SRs Section 12-4-2.A.5, a Location Map is required and must include all platted additions within the Section; the following need to be corrected as follows:
 - LaCasa Movil Estates 2nd (misabeled)
 - Poe Acreage (misrepresented as to configuration)
 - Seven Lakes II (misrepresented as to configuration)
 - The Fry Creek Ditch # 1 and # 2 are represented but do not reflect channel reconstructions from circa 2000.
5. Based on existing addresses and street names, please adjust addresses such as follows:
 - Lot 1, Block 1: 7275 S. 73rd E. Ave. → 7274 E. 121st St. S.
 - Lot 2, Block 1: 12300 S. 74th E. Ave. → 7300 E. 121st Pl. S.
 - Lot 1, Block 2: 7305 S. 74th E. Ave. → 7330 E. 121st St. S.
 - Lot 1, Block 3: 7450 S. 74th E. Ave. → 7450 E. 121st St. S.
6. Please restore the label designating the W. Line of NE/4 of Section 2.
7. DoD/RCs Section II: Update with the final-as-approved version of the Text of PUD 76, per City Council approval 03/25/2013, including, but not necessarily limited to:
 - DoD/RCs Section II.A DA B: Permitted Uses missing "Other uses within Use Unit 8 are excluded."
 - DoD/RCs Section II.A DA B: Yards/Setbacks missing West and South boundaries and Other needs to be updated to 20'.
 - DoD/RCs Section II.A DA B: Double asterisks before "Minimum Off-Street Parking" should be clarified or removed.
 - DoD/RCs Section II.A DA E: Permitted Uses missing language pertaining to UU 19.
 - DoD/RCs Section II.B.2: Landscaping and Screening language not updated.
 - DoD/RCs Section II.B: Missing off-street parking language.
 - DoD/RCs Section II.B.4: Access and Circulation language not updated.
 - DoD/RCs Section II.B.5: The text allowing off-site signs (circumventing the "billboard" prohibition) needs to have typos corrected: "~~A~~ Signs identifying an interior property..." as per the final approved PUD.
 - DoD/RCs Section II.B.5: Signs language not updated.
 - DoD/RCs Section II.B.8 .9. and .10: Please confirm language updated.
 - DoD/RCs Section II.B: Missing "City Department Requirements" language.
8. Final Plat: Elevation contours, floodplain boundaries, physical features, underlying Zoning district boundaries, minimum improvements acknowledgement, and other such mapping details as required per SRs Section 12-4-2.B.6, by approval of this Final Plat, shall not be required on the recording version of the Final Plat, as such would be inconsistent with Final Plat appearance conventions and historically and commonly accepted platting practices.

9. *Copies of PUD 76, including the final two (2) amendments made by the Applicant at the March 25, 2013 City Council meeting, shall be submitted for placement in the permanent file (2 hard copies and 1 electronic copy).*
10. *Copies of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size and 1 11" X 17").*
11. *Copies of the Final Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size and 1 11" X 17").*

Chair Thomas Holland asked Erik Enyart what the "certain Modifications/Waivers" part of the agenda item meant [in this case]. Mr. Enyart responded that this was standard language he included in the event some were discovered during the review. Mr. Enyart indicated there were no additional Modifications/Waivers requested with this Final Plat application.

Erik Enyart recommended Approval subject to the corrections, modifications, and Conditions of Approval as listed in the Staff Report. Mr. Enyart stated that all of the recommended corrections were "cosmetic issues that can be addressed with changing words or lines on paper."

Chair Thomas Holland asked if the Applicant was present and wished to speak on the item. Applicant Ricky Jones was present and stated, "We are in agreement with all the Staff's recommendations."

Chair Thomas Holland asked to entertain a Motion. Lance Whisman made a MOTION to Recommend APPROVAL of the Final Plat subject to the corrections, modifications, and Conditions of Approval as recommended by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Whiteley, & Whisman
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	3:0:0

OTHER BUSINESS

8. **BSP 2013-02 – Panda Express – Bannister Engineering, LLC (PUD 67).** Discussion and possible action to approve a PUD Detailed Site Plan and building plans for "Panda Express," a Use Unit 12 restaurant development for part of the NW/4 SW/4 of Section 25, T18N, R13E.
Property located: 10535 S. Memorial Dr.

Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

To:	<i>Bixby Planning Commission</i>
From:	<i>Erik Enyart, AICP, City Planner</i>
Date:	<i>Monday, May 13, 2013</i>
RE:	<i>Report and Recommendations for: BSP 2013-02 – "Panda Express" – Bannister Engineering, LLC (PUD 67)</i>

LOCATION: – 10535 S. Memorial Dr.
– Part of the NW/4 SW/4 of Section 25, T18N, R13E
SIZE: 48,352 square feet; 1.11 acres, more or less
EXISTING ZONING: CS Commercial Shopping Center District
SUPPLEMENTAL – PUD 67 for “SourceOne Carwash Company”
ZONING: – Corridor Appearance District
DEVELOPMENT Approval of Detailed Site Plan including as elements: (1) Detailed Site
TYPE: Plan, (2) Detailed Landscape Plan, and (3) Detailed Lighting Plan, (4) Detailed Sign
Plan, and (5) building plans and profile view / elevations pursuant to PUD 67 for a
Use Unit 12 restaurant development

SURROUNDING ZONING AND LAND USE:

North: CS & PUD 40; The Applebee’s restaurant, the Hampton Inn & Suites hotel, and a commercial strip shopping center, all in Regal Plaza.

South: CS; The Home Hardware / Builder’s Center / JWI Supply / CWC Interiors hardware, interiors, and supply store in the Grigsby’s Carpet Center subdivision.

East: RS-3; Residential in South Country Estates.

West: (Across Memorial Dr.) CS/PUD 619 and CS/PUD 370; The First Priority Bank, the Avalon Park commercial/office development, and the Life Time Fitness and other businesses being developed in Memorial Commons and/or “The Vinyards on Memorial,” all in the City of Tulsa.

COMPREHENSIVE PLAN: Medium Intensity + Commercial Area

PREVIOUS/RELATED CASES: (Not a complete list and does not include TMAPC-jurisdiction areas)

BBOA-283 – L.C. Neel – Request for Special Exception for a Use Unit 17 used car sales lot – Approved by BOA 08/01/1994.

PUD 67 –SourceOne Carwash Company – Crafton Tull Sparks – Request for PUD approval for subject property – PC Recommended Conditional Approval 12/15/2008 and City Council Conditionally Approved 01/28/2009 (Ord. # 2008 [1008]).

Preliminary Plat of Legend’s Carwash – Request for Final Plat approval for the “Legend’s Carwash” subject property – PC Recommended Conditional Approval 12/15/2008 and City Council Conditionally Approved 01/05/2009.

Final Plat of “Legend’s Carwash” / “Boomerang Carwash” – Request for Final Plat approval for “Legend’s Carwash” for the subject property – PC Recommended Conditional Approval 03/16/2009 and City Council Conditionally Approved 03/23/2009. Approval expired 03/23/2010 per Subdivision Regulations / City Code Section 12-2-6.F. By memo dated 04/14/2010, Developer requested City Council re-approve the Final Plat, to be renamed “Boomerang Carwash.” City Council re-approved Final Plat 04/26/2010. Final Plat approval expired 04/26/2011 per Subdivision Regulations / City Code Section 12-2-6.F.

BSP 2009-02 & AC-09-02-02 – “Legend’s Carwash” – Crafton Tull Sparks – Request for Detailed Site Plan approval for a carwash and retail development as required by PUD 67 – Conditionally Approved by the Planning Commission and Architectural Committee 02/17/2009.

BSP 2010-02 / AC-10-06-01 – Boomerang Carwash – The McLain Group, LLC (PUD 67) – Request for Detailed Site Plan approval for a carwash and retail development as required by PUD 67 – PC Conditionally Approved 06/21/2010.

BACKGROUND INFORMATION:

The subject property was previously a small used car sales lot, previously operated by Nelson Mazda, occupying the front/west approximately 120’. It was previously Conditionally Approved for a Use Unit 17 “Legend’s Carwash” / “Boomerang Carwash” development, including PUD 67, Preliminary and Final Plats, and PUD Detailed Site Plans. However, that proposal was not ultimately developed. The current application is to develop a Use Unit 12 Panda Express restaurant. PUD 67 allows the proposed use.

ANALYSIS:

Subject Property Conditions. The subject property moderately slopes downward to the south and east, in the watershed that drains to the Oliphant Drainage and Detention system (an upstream portion of Fry Creek # 1). It is presently vacant and zoned CS with PUD 67. It is bordered on the north by a private drive separating it from the Applebee’s restaurant and the Hampton Inn & Suites hotel in Regal Plaza, on the south by the existing or former Home Hardware / Builder’s Center / JWI Supply / CWC Interiors

hardware, interiors, and supply store in the Grigsby's Carpet Center subdivision, on the east by residential in South Country Estates, and on the west by Memorial Dr.

General. The submitted plan-view Site Plan drawing consists of "Site Plan" drawing by Bannister Engineering, LLC. Per the "Site Plan," the building will have 2,210 square feet of floor area. Based on building "Exterior Color Elevations" drawings A-200 and A-201, the building's flat roof will not exceed 20' 3" in overall height, and the parapet wall and other architectural features will not exceed 22' in overall height.

The Site Plan represents a conventional, suburban-style design and indicates the proposed internal automobile traffic and pedestrian flow and circulation and parking. The subject property lot conforms to PUD 67 and, per the plans generally, the 1-story building would conform to the applicable bulk and area standards for PUD 67 and the underlying CS district.

Fire Marshal's and City Engineer's memos are attached to this Staff Report (if received). Their comments are incorporated herein by reference and should be made conditions of approval where not satisfied at the time of approval.

The Technical Advisory Committee (TAC) reviewed this application on May 01, 2013. The Minutes of the meeting are attached to this report.

Access and Internal Circulation. The development will access Memorial Dr. via driveways connecting to private drives to the north and south. The north access is a private drive along the south side of Applebee's in Regal Plaza. At the south end, the driveway will connect to the Home Hardware / Builder's Center / JWI Supply / CWC Interiors hardware, interiors, and supply store parking lot in the Grigsby's Carpet Center subdivision. Any private access easements or agreements necessary to accomplish this should be secured as needed, and submission of cop(ies) of same is respectfully requested. The preexisting driveway connection to Memorial Dr. would appear to be removed under this plan.

The provided drawings indicate driveway access points and the widths of the proposed driveways and their curb return radii. All these dimensions must comply with applicable standards and City Engineer and/or Fire Marshal requirements.

Pedestrian accessibility will be afforded via an existing sidewalk along and within the Memorial Dr. right-of-way, which ODOT constructed in mid-2009. Per the plans, part of the sidewalk will be reconstructed at 5' in width and a 5'-wide pedestrianway will connect pedestrians from the sidewalk through the parking lot to the building's front entrance.

A sidewalk will flank parts of the west/front, south/side, and east/rear of the building, and will connect pedestrians between the parking lots to the building entrances on these sides (reference Zoning Code Section 11-10-4.C). The sidewalks are adequately dimensioned on the plans and appear appropriate in width.

Parking Standards. The provided drawings indicate parking lots on the west, south, and east sides of the building with a total of 67 parking spaces proposed. Zoning Code Section 11-9-12.D requires a minimum of 15 parking spaces for a 2,210 square foot building. Zoning Code Section 11-10-2.H provides a "minimum plus 15%" maximum parking number cap, to prevent excessive parking that results in pressure to reduce greenspaces on the development site. However, PUD 67 removed the parking requirements as applicable to the front Development Area A.

Development Area A provides, in relevant part:

"Off Street Parking:

As required by applicable use unit by Bixby Zoning Code.

Parking Spaces and Loading Berths are Not Applicable" (emphasis added)

Thus, there is no required minimum or maximum parking standard applicable for the front lot, where the building and most of its parking will be located. This was done this way because it was to be a carwash, which does not need parking. It is unfortunate that the first sentence remains in that section, as it creates somewhat of an ambiguity, but it is overridden by the second sentence, which follows the first, and which is more specific and direct to the point.

Similarly, DA B provides, in relevant part:

"Off Street Parking:

No parking is anticipated"

Unlike the previous carwash development plans, the land will be platted as a singular lot. Regardless of parking spaces falling within DAs A or B, the use is exempt from the minimum and maximum parking number requirement. Therefore, the proposed number of parking spaces complies with the Zoning Code

and PUD 67. The 23 spaces reported as required, based on an inaccurate 1:100 parking ratio, is reported in error.

Three (3) handicapped-accessible parking spaces are indicated on the provided Site Plan. At 67 spaces, the three (3) handicapped-accessible parking spaces meet the minimum number required by ADA standards (Table 208.2 Parking Spaces / IBC Table 1106.1 Accessible Parking Spaces).

ADA guidelines require one (1) van-accessible design for the handicapped-accessible space, for up to seven (7) accessible spaces (reference New ADAAG Section 208.2.4, DOJ Section 4.1.2(5)b, and IBC/ANSI Section 1106.5). The Site Plan needs to indicate which one (1) ADA space will be of van-accessible design, as required. The Applicant should consider assigning van-accessible ADA space such that the access aisle will be on the right/passenger side of the van-accessible space.

The regular and van-accessible handicapped-accessible parking spaces and access aisles are dimensioned, but do not indicate compliance with the space width or striping standards Zoning Code Section 11-10-4.C Figure 3. The Applicant should make use of a handicapped-accessible parking space/access aisle/accessible route detail diagram as needed to demonstrate compliance with applicable standards, including both ADA and Bixby Zoning Code standards. During the design of these features, the Applicant should consult with the Building Inspector to confirm the plans will comply with ADA standards.

The parking lot setback/landscaped strip width along Memorial Dr. is approximately 16.9', which complies with the 15' minimum setback per Zoning Code Section 11-10-3.B Table 1. Zoning Code Section 11-10-3.B Table 1 also requires a 10' setback between the parking lot and the R district abutting to the east. The present setback indicated is 5.6', which does not meet this requirement and must be increased to a minimum of 10'.

The survey (Exhibit G) included with PUD 67 did not indicate any existing utility or other easements affect the subject property. An application for subdivision plat approval for this development has not yet been submitted. Therefore, as of yet, there are no conflicts with internal drives and parking paving over utility or other easements. The City Engineer and Public Works Director will review the site development plans for proper utility and paving locations and conflict avoidance. Per the survey included with PUD 67 and statements by TAC members at the May 01, 2013 meeting, there are existing overhead electric lines and natural gaslines along and within the north side of the subject property. During the platting of the subject property, utility easements (if not already in existence) should be placed here for proper utility line maintenance.

A loading berth is not indicated, but none is required for the restaurant development per the provisions of PUD 67. Bulk loading will presumably be handled via truck parking within the parking lot or drive-through lane.

Screening/Fencing. The "Site Plan" drawing represents an existing 6' fence along the east line of the PUD. Per PUD 67, the screening fence is required to be replaced and must be a 6' high opaque cedar wood fence (or better). The "Site Plan" needs to represent the proposed location of the required screening fence, and the Applicant needs to provide a profile view/elevation drawing showing the required 6' screening fence replacement along the east property line.

The trash dumpster area will be enclosed within a screening wall enclosure, to be composed EIFS with a 2.5'-tall "Mesa Ledge stone" base and "galvanized steel" gates. The trash enclosure details are provided on "Patio & Trash Enclosure Details" drawing A-407, and appear typical for this type of application.

The trash dumpster is proposed to be located at the northeast corner of the development, which is abutting residential use. The Applicant may want to consider another location more removed from the houses in South Country Estates. Staff notes, however, that there appear to be two (2) other dumpster areas located closer to the houses, serving the "The Shoppes at Regal Plaza" shopping center and Hampton Inn & Suites. They appear to be located approximately 15' and 68' from the northeast corner of the subject property. Increasing the parking lot setback from 5.6' to 10' from the east property line, per other recommendations in this report, will increase the distance between the trash enclosure area and the existing houses.

Landscape Plan. The Landscape Plan consists of "Landscape Plan" drawing L-1.0 and "Landscape Details" drawing L-1.1 and is compared to the Landscape Chapter standards of the Zoning Code as follows:

1. 15% Street Yard Minimum Landscaped Area Standards (Section 11-12-3.A.1): Standard is not less than 15% of the Street Yard area shall be landscaped. The Street Yard is the Zoning setback

along an abutting street [right-of-way]. The parking lot setback/landscaped strip width along Memorial Dr. is approximately 16.9', which would be approximately 34% (excluding driveways) of the 142.27' X 50' Street Yard. **This standard is met.**

2. Minimum Width Landscaped Area Strip Standards (Section 11-12-3.A.2 and 11-12-3.A.7): Standard is minimum Landscaped Area strip width shall be 7.5', 10', or 15' along abutting street rights-of-way. The parking lot setback/landscaped strip width along Memorial Dr. is approximately 16.9', which exceeds the 15' required along Memorial Dr. **This standard is met.**
3. 10' Buffer Strip Standard (Section 11-12-3.A.3): Standard requires a minimum 10' landscaped strip between a parking area and an R Residential Zoning District. There is an R district abutting to the east. The parking lot setback/landscaped strip width here is only 5.6', which does not meet the requirement. **This standard is not met.**
4. Building Line Setback Tree Requirements (Section 11-12-3.A.4): Standard is one (1) tree per 1,000 square feet of building line setback area. Building setbacks per PUD 67 are as follows:

The West Boundary setback area is a Street Yard. See the analysis for Zoning Code Section 11-12-3.C.1.a.

Resultant tree requirement calculations are as follows:

East Boundary Setback Tree Requirements: 20' setback X width of east PUD boundary at 142.27' = approximately 2,845.4 square feet / 1,000 square feet = 3 trees required in the East Boundary Setback Area. However, PUD 67 requires not less than five (5) trees in this area of Development Area B. Excluding those elsewhere accounted for, one (1) unidentified tree, and roughly five (5) "IA" Fosters Holly are proposed in this Setback Area. The Landscape Plan does not indicate that the existing trees along and within the east side of the subject property will be preserved and maintained (6" [caliper] cedar, 6" [caliper] hackberry, and 8" [caliper] cedar), but the same are not required for compliance. Based on their relative location, they will not be removed for parking lot construction (which has a 10' setback requirement from the east property line). **This standard is met for the East Boundary Setback Area.**

North Boundary Setback Tree Requirements: 17.5' setback X DA A north property line at (263 feet – Memorial Dr. Street Yard width of 50' =) 213' = 2,130 square feet / 1,000 square feet = 3 trees required in the North Boundary Setback Area. There are no setbacks along the north or south lines of DA B. One (1) "QS" Red Oak tree, and roughly seven (7) "IA" Fosters Holly are proposed in this Setback Area. **This standard is met for the North Boundary Setback Area.**

South Boundary Setback Tree Requirements: 10' setback X DA A south property line at (263 feet – Memorial Dr. Street Yard width of 50' =) 213' = 2,130 square feet / 1,000 square feet = 3 trees required in the South Boundary Setback Area. There are no setbacks along the north or south lines of DA B. No (0) trees not already counted are proposed in this Setback Area. **This standard is not met for the South Boundary Setback Area.**

Due to the South Boundary Setback Area, **this standard is not met.**

5. Maximum Distance Parking Space to Landscaped Area Standard (Sections 11-12-3.B.1 and 11-12-3.B.2): Standard is no parking space shall be located more than 50' or 75' from a Landscaped Area, which Landscaped Area must contain at least one (1) or two (2) trees. For a lot containing 1.11 acres, the standard calls for a maximum of 50' spacing, with one (1) tree. **This standard is met.**
6. Street Yard Tree Requirements (Section 11-12-3.C.1.a): Standard is one (1) tree per 1,000 square feet of street yard. The Street Yard is the Zoning setback along an abutting street [right-of-way]. Memorial Dr. has a 50' setback. 142.17' X 50' = 7,108.5 square feet / 1,000 = 8 trees in the Memorial Dr. Street Yard. 4 trees are proposed. **This standard is not met.**
7. Tree to Parking Space Ratio Standard (Section 11-12-3.C.2): Standard is one (1) tree per 10 parking spaces. 67 parking spaces proposed. 67 / 10 = 6.7 = 7 trees required by this standard. Excluding the Setback Area and Street Yard trees already accounted for, four (4) additional trees proposed. Including those "IA" Fosters Holly proposed at the northeast corner of the

development and which are beyond the number required for the north and east boundary setback areas, six (6) trees are proposed. Four (4) + six (6) = 10 trees. **This standard is met.**

8. Parking Areas within 25' of Right-of-Way (Section 11-12-3.C.5.a): Standard would be met upon and as a part of compliance with the tree standard per Section 11-12-3.C.1.a.
9. Irrigation Standards (Section 11-12-3.D.2): "General Notes" # 21 provides "An automatic irrigation system shall be provided to maintain all landscape areas..." Zoning Code Section 11-12-4.A.7 requires the submission of plans for irrigation. An irrigation plan was not submitted. **This standard is not met.**
10. Miscellaneous Standards (Sections 11-12-4.A.5, 11-12-3.C.7, 11-12-3.D, etc.): The tree planting diagram(s), reported calipers of the proposed trees, the notes on the "Landscape Plan" drawing, and other information indicates compliance with other miscellaneous standards, with the following exceptions:
 - a. Please label the unidentified tree at the southeast lot corner.
 - b. Certain elements of the "Landscape Tabulation" are inconsistent with the City of Bixby's interpretation as provided herein and should be reconciled or removed.
 - c. Please reconcile the 26% versus 27% "pervious area" / "landscape area" with the "Site Plan" drawing.

Until the above are resolved, **this standard is not met.**

11. Lot Percentage Landscape Standard (Section 11-7I-5.F; PUDs only): Standard is 10% of a commercial lot must be landscaped open space. Per the notes on the "Site Plan" drawing, 26% of the lot would be "pervious area" post-construction. The Landscape Plan reports 27% of the site will be landscaped. Whichever is correct, **this standard is met.**

Exterior Materials and Colors. "Exterior Color Elevations" drawings A-200 and A-201 indicate the proposed exterior materials and overall appearance. The exterior material will primarily consist of (1) EIFS and (2) stone/masonry base, with various trim materials (such as "Building Accent Tile," aluminum "Rain Screen System," and "Bamboo Poles."). Color information is represented on the elevations drawings, but is no longer required within the Corridor Appearance District per Ordinance # 2091 approved September 10, 2012, and is not required by PUD 67. Per Ordinance # 2107 adopted January 14, 2013, Zoning Code Section 11-7G-5.A now requires within the Corridor Appearance District:

"All sides of buildings facing public streets shall be full masonry to the first floor top plate, to include brick, stucco, EIFS or similar masonry like product, stone, finished concrete tilt-up panels, or some combination thereof."

The west/Memorial Dr.-facing building elevation, primarily composed of (1) EIFS and (2) stone/masonry base (excluding, by interpretation, windows and accent/trim), will comply with the new standard.

The roof will not be visible at ground level due to the parapet wall.

Outdoor Lighting. "Photometric Site Plan" Drawing A-100.1 indicates locations and types of outdoor lighting, and lighting levels. All proposed lights appear typical for a suburban fast-food restaurant application.

PUD 67 requires for lighting: "The lights will be arranged as to direct the light away from properties within the R district." There is a residential area to the east, and proposed lighting should be clearly represented and described in detail. As it concerns the east property line, the plan indicates light levels up to, and exceeding 15 footcandles near one particular light fixture. The lighting plan previously approved for the former carwash development demonstrated that the footcandle effects of the proposed lighting were reduced to 0.0 at all points on the east line of the development. Recognizing the houses abutting to the east, the lighting plan should be revised to demonstrate the same 0.0 footcandles on the east line of the development.

PUD 67 also provides that the maximum height for pole-mounted lights in Development Area B is 10'. The "Pole Mounting Detail" of the lighting plan represents lights at 10' in height for all of the PUD. Signage. The sign plan drawings by Allen Industries represent the locations of the wall signs, the one (1) proposed business/ground sign, and incidental and directional signage. The "Patio & Trash Enclosure Details" drawing A-407 also indicates a "Coming Soon" construction sign, which appears to be in order per Zoning Code Section 11-7I-4.B.2.f.2.

The Allen Industries drawings demonstrate compliance with wall signage regulations.

Per PUD 67, the property is permitted one (1) ground sign, a maximum of 10' in height, which may include an LED/Electronic Message Board sign element. Per the Allen Industries drawings, the proposed ground sign is 25' in height, and must be reduced to 10' or be permitted by PUD Minor Amendment. The Zoning Code would allow up to 25' by right, and thus it is the PUD itself which restricts the sign height.

Most restaurants and other developments of this size will have incidental signage for traffic control and general identification information, and the provided Allen Industries plans do indicate locations of incidental signage. However, the details for same are not provided. Zoning Code Section 11-9-21.C.3.k allows standard directional signs at a maximum of 3 square feet in display surface area. Signs reserving the ADA accessible parking spaces and directional signage painted to the pavement of the driveways (not visible from adjoining public streets) should conform to applicable standards or are otherwise exempt Federal standards.

Staff Recommendation. *The Detailed Site Plan adequately demonstrates compliance with the Zoning Code and is in order for approval, subject to the following corrections, modifications, and Conditions of Approval:*

- 1. This PUD Detailed Site Plan approval additionally constitutes the site plan approval requirement within the Corridor Appearance District.*
- 2. Subject to compliance with all Fire Marshal and City Engineer recommendations and requirements.*
- 3. Please provide copy of recorded version of any necessary and appropriate easement or agreement pertaining to access to and/or through the properties to the north and south.*
- 4. The proposed driveways and their curb return radii must comply with applicable standards and City Engineer and/or Fire Marshal requirements.*
- 5. The 23 spaces reported as required, based on an inaccurate 1:100 parking ratio, is reported in error. There is no parking required per PUD 67.*
- 6. ADA guidelines require one (1) van-accessible design for the handicapped-accessible space, for up to seven (7) accessible spaces (reference New ADAAG Section 208.2.4, DOJ Section 4.1.2(5)b, and IBC/ANSI Section 1106.5). The Site Plan needs to indicate which one (1) ADA space will be of van-accessible design, as required. The Applicant should consider assigning van-accessible ADA space such that the access aisle will be on the right/passenger side of the van-accessible space.*
- 7. The regular and van-accessible handicapped-accessible parking spaces and access aisles are dimensioned, but do not indicate compliance with the space width or striping standards Zoning Code Section 11-10-4.C Figure 3. The Applicant should make use of a handicapped-accessible parking space/access aisle/accessible route detail diagram as needed to demonstrate compliance with applicable standards, including both ADA and Bixby Zoning Code standards. During the design of these features, the Applicant should consult with the Building Inspector to confirm the plans will comply with ADA standards.*
- 8. Zoning Code Section 11-10-3.B Table 1 requires a 10' setback between the parking lot and the R district abutting to the east. The present setback indicated is 5.6', which does not meet this requirement and must be increased to a minimum of 10'.*
- 9. The "Site Plan" needs to represent the proposed location of the required screening fence, and the Applicant needs to provide a profile view/elevation drawing showing the required 6' screening fence replacement along the east property line.*
- 10. Please resolve the 10' Buffer Strip Standard (Section 11-12-3.A.3) matter as described in the Landscape Plan analysis above.*
- 11. Please resolve the Building Line Setback Tree Requirements (Section 11-12-3.A.4) matter as described in the Landscape Plan analysis above.*
- 12. Please resolve the Street Yard Tree Requirements (Section 11-12-3.C.1.a) matter as described in the Landscape Plan analysis above.*
- 13. Please resolve the Irrigation Standards (Section 11-12-3.D.2) matter as described in the Landscape Plan analysis above.*
- 14. Please resolve the Miscellaneous Standards (Sections 11-12-4.A.5, 11-12-3.C.7, 11-12-3.D, etc.) matter as described in the Landscape Plan analysis above.*
- 15. PUD 67 requires for lighting: "The lights will be arranged as to direct the light away from properties within the R district." There is a residential area to the east, and proposed lighting should be clearly represented and described in detail. As it concerns the east property line, the*

plan indicates light levels up to, and exceeding 15 footcandles near one particular light fixture. The lighting plan previously approved for the former carwash development demonstrated that the footcandle effects of the proposed lighting were reduced to 0.0 at all points on the east line of the development. Recognizing the houses abutting to the east, the lighting plan should be revised to demonstrate the same 0.0 footcandles on the east line of the development.

- 16. Per the Allen Industries drawings, the proposed ground sign is 25' in height, and must be reduced to 10' or be permitted by PUD Minor Amendment.*
- 17. Please provide details for proposed incidental signage for traffic control and general identification information.*
- 18. Please submit complete, corrected copies of the Detailed Site Plan incorporating all of the corrections, modifications, and conditions of approval as follows: Two (2) full-size hard copies, one (1) 11" X 17" hard copy, and one (1) electronic copy (PDF preferred).*
- 19. Minor changes in the placement / locating individual trees or parking spaces, or other such minor site details, are approved as a part of this Detailed Site Plan, subject to administrative review and approval by the City Planner. The City Planner shall determine that the same are minor in scope and that such changes are an alternative means for compliance and do not compromise the original intent, purposes, and standards underlying the original placement as approved on this Detailed Site Plan, as amended. An appeal from the City Planner's determination that a change is not sufficiently minor in scope shall be made to the Board of Adjustment in accordance with Zoning Code Section 11-4-2.*

Chair Thomas Holland asked if the Applicant was present and wished to speak on the item. Applicant Jeff Linder of Bannister Engineering, LLC, 1696 Country Club Dr., Mansfield, TX 76063 was present and indicated that he had reviewed the Staff Report and found that all of the items which were significant could be resolved without a problem. Mr. Linder stated that there had to be a 10' [parking lot] setback to the east, and this was an error that [he and his associates] have modified, which reduced parking from 67 to 64 spaces. Mr. Linder stated that this would not be a problem since parking was not an issue. Mr. Linder stated that three (3) additional trees were required, and would be added, but there were some existing there that he would see if could be maintained, but "we may lose a couple." Mr. Linder stated that the utility lines were in the easement on the residential side [of the common property line]. Mr. Linder stated that the lighting plans would be revised to achieve zero (0) footcandles in the area adjacent to residential.

A Commissioner asked how this would be determined after the Commission approved the Detailed Site Plan. Erik Enyart responded, "As Staff, we will make sure that the light is cut off at the property line by whatever means necessary, such as by moving light standards or making modifications to achieve that." Mr. Enyart stated that he was responsible for approving the site plan himself in the context of the Building Permit application. Mr. Enyart stated that the Commission's approval of the PUD Detailed Site Plan would constitute the required approval [in the Corridor Appearance District], as his [review items and] approval and theirs would coincide.

Chair Thomas Holland asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE BSP 2013-02 subject to the corrections, modifications, and Conditions of Approval as recommended by Staff. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Whiteley, & Whisman
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	3:0:0

9. **BSP 2013-03 – Grand Bank – Sisemore, Weisz & Associates, Inc. (PUD 65).**
Discussion and possible action to approve a PUD Detailed Site Plan and building plans for “Grand Bank,” a Use Unit 11 bank and retail development for Lot 5, Block 1, *101 Memorial Square*.
Property located: 8200 E. 101st St. S.
-

Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Report and recommendations. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Tuesday, May 14, 2013
RE: Report and Recommendations for:
BSP 2013-03 – Grand Bank – Sisemore, Weisz & Associates, Inc. (PUD 65)

LOCATION: – 8200 E. 101st St. S.
– Lot 5, Block 1, 101 Memorial Square
SIZE: 53,399 square feet; 1.2259 acres, more or less
EXISTING ZONING: CS Commercial Shopping Center District
SUPPLEMENTAL – PUD 65 for “101 Memorial Square”
ZONING: – Corridor Appearance District
DEVELOPMENT Approval of Detailed Site Plan including as elements: (1) Detailed Site
TYPE: Plan, (2) Detailed Landscape Plan, and (3) Detailed Lighting Plan, (4) Detailed Sign
Plan, and (5) building plans and profile view / elevations pursuant to PUD 65 for a
Use Unit 11 bank and retail development

SURROUNDING ZONING AND LAND USE:

North: (across 101st St. S.) CO (Corridor)/PUD-411C; “South Town Market” commercial development, including Super Target, all in the City of Tulsa.

South: CS, CG, PUD 65 & PUD 63; The new Sprouts Farmers Market specialty grocery store and the new Whataburger fast-food restaurant, both in 101 Memorial Square, the Andy’s Frozen Custard frozen custard restaurant under construction in 101 South Memorial Plaza, and 102nd St. S.

East: (across 83rd E. Ave.) CS & CS/PUD 63; Vacant north balance of Tract C, 101 South Memorial Center zoned CS, the Holiday Inn Express & Suites Tulsa South/Bixby in 101 South Memorial Plaza zoned CS with PUD 63, and 85th E. Ave.

West: CS/PUD 378 & AG; CVS/Pharmacy and (across Memorial Dr. in the City of Tulsa) commercial in the Memorial Crossing shopping center and a new US Cellular store in Blockbuster Center. The QuikTrip gas station is to the northwest zoned CS in the City of Tulsa.

COMPREHENSIVE PLAN: Corridor + Medium Intensity + Commercial Area

PREVIOUS/RELATED CASES: (Not necessarily a complete list and does not include TMAPC-jurisdiction areas)

BZ-89 – Ron Koepp – Request for rezoning from AG to CG for 3.6 acres including part of 101 Memorial Square (includes subject property) – Recommended for Approval by PC 04/28/1980 and Approved by City Council 05/19/1980 (Ord. # 401).

BZ-148 – John Moody for William E. Manley, et al. – Request for rezoning from AG to CG (amended to CS) for the area which was eventually platted as 101 Memorial Square, including subject property, less the southerly 0.96 acres (more or less) thereof – Recommended for Approval by PC 10/31/1983 and Approved by City Council 11/07/1983 (Ord. # 496).

BBOA-341 – Roy D. Johnsen for William E. Manley – Request for Special Exception to allow used car sales on the northwest 0.7 acres of the area which was eventually platted as 101 Memorial Square (includes subject property) – Denied by BOA 11/02/1998 – Notice of Appeal in District Court found in case file but with no followup information as to its ultimate disposition.

BBOA-409 – Eric Sack for William & Betty Manley – Request for Variance to Chapter 11, Section 1140(d) “Unenclosed off-street parking areas shall be surfaced with an all-weather material,” and a Special Exception per Chapter 10 Section 1002.3(a) “Temporary open air activities, may continue for a period not to exceed thirty days per each application.... for the sale of Christmas Trees, wreaths, bows and other seasonal goods from November 25, 2003 through December 24, 2003 for area which was eventually platted as 101 Memorial Square, including subject property – Withdrawn by Applicant in September 2003.

BBOA-410 – Eric Sack for William & Betty Manley – Request for Variance to Chapter 11, Section 1140(d) “Unenclosed off-street parking areas shall be surfaced with an all-weather material,” and a Special Exception per Chapter 10 Section 1002.3(a) “Temporary open air activities, may continue for a period not to exceed thirty days per each application.... for the sale of Halloween related items such as pumpkins, gourds, hay and other seasonal goods and related activities such as pony rides and miniature train rides, from September 26, 2003 through October 31, 2003 for the area which was eventually platted as 101 Memorial Square, including subject property – Withdrawn by Applicant in September 2003.

PUD 65 – 101 Memorial Square – Manley 101st & Memorial, LLC – Request for PUD approval for area which was eventually platted as 101 Memorial Square, including subject property – Recommended for Conditional Approval by PC 11/17/2008 and Conditionally Approved by City Council 01/05/2009 (Ord. # 2007 [1007]).

Preliminary Plat of 101 Memorial Square – Manley 101st & Memorial, LLC – Request for Preliminary Plat approval for area which was eventually platted as 101 Memorial Square, including subject property – Recommended for Conditional Approval by PC 11/17/2008 and Conditionally Approved by City Council 11/24/2008.

Final Plat of 101 Memorial Square – Request for Final Plat approval for area which was eventually platted as 101 Memorial Square, including subject property – Recommended for Conditional Approval by PC 02/17/2009 and Conditionally Approved by City Council 03/02/2009 (plat recorded 03/27/2009, Plat # 6282).

AC-09-02-02 – CVS/Pharmacy – Jacobs Carter Burgess – Request for Detailed Site Plan approval for Lot 1, Block 1, 101 Memorial Square – Architectural Committee Conditionally Approved 02/17/2009. Developer Appealed the Approval in order to do away with the landscaped berm and Council took no action on 03/09/2009 based on the City Attorney’s opinion that the Council had removed the berm requirement for this Detailed Site Plan upon the approval of the Final Plat of 101 Memorial Square.

BSP 2009-01 – CVS/Pharmacy – Jacobs Carter Burgess – Request for Detailed Site Plan approval for Lot 1, Block 1, 101 Memorial Square as required by PUD 65 – PC Conditionally Approved 02/17/2009. Developer Appealed the Approval in order to do away with the landscaped berm and Council took no action on 03/09/2009 based on the City Attorney’s opinion that the Council had removed the berm requirement for this Detailed Site Plan upon the approval of the Final Plat of 101 Memorial Square.

BBOA-547 – Kimley-Horn & Associates, Inc. – Request for Special Exception per Zoning Code Section 11-10-2.H to allow a total of 40 parking spaces, in excess of the 24 space maximum standard for a proposed Whataburger restaurant in the CG and CS districts with PUD 65 for the S. 189.99’ of Lot 3, Block 1, 101 Memorial Square to the south of subject property – BOA Approved 11/07/2011.

BL-382 – Sisemore, Weisz & Associates, Inc. – Request for Lot-Split approval for Lot 3, Block 1, 101 Memorial Square located to the south of subject property – PC Approved 11/21/2011 subject to the attachment of the north 54.56’ to Lot 2, Block 1, 101 Memorial Square.

AC-11-01-02 – Whataburger – Kimley-Horn & Associates, Inc. – Request for Detailed Site Plan approval for a Use Unit 12 fast-food restaurant for the S. 189.99’ of Lot 3, Block 1, 101 Memorial Square abutting subject property to the south – PC Conditionally Approved 11/21/2011.

PUD 65 – 101 Memorial Square – Major Amendment # 1 – Request for approval of a Major Amendment to PUD 65, including subject property, which amendment proposed changes to parking and signage requirements for the Sprouts Farmers Market abutting subject property to the south – PC Recommended Approval 04/16/2012 and City Council Approved 04/23/2012 (Ord. # 2082).

BSP 2012-01 / AC-12-04-05 – “Sprouts Farmers Market” – Sisemore, Weisz & Associates, Inc. – Request for Detailed Site Plan approval for a Use Unit 13 specialty grocery store development in 101 Memorial Square abutting subject property to the south – PC Conditionally Approved 04/16/2012.

BACKGROUND INFORMATION:

ANALYSIS:

Property Conditions. The subject property consists of Lot 5, Block 1, 101 Memorial Square, is zoned CS with PUD 65, and is presently vacant. It is moderately sloped and will drain through an underground stormsewer system in a southeasterly direction to the Oliphant Drainage and Detention system (an upstream portion of Fry Creek # 1).

General. The submitted plan-view Site Plan drawing consists of "Detail Site Plan" drawing DSP-1 by Sisemore, Weisz & Associates, Inc. Per DSP-1, the 1-story building will have 6,840 square feet of floor area, including the bank's 4,511 square feet and the retail shop's 2,329 square feet. Based on building elevations drawings A6 and A7, the bank's parapet wall will be at an elevation of 25' and the retail shop's parapet wall will be at an elevation of 20'. The bank's pitched roof beyond the parapet is not dimensioned, but appears to be roughly 7', and so the building will peak at approximately 32'.

The Site Plan represents a suburban-style design with urban features, and indicates the proposed internal automobile traffic and pedestrian flow and circulation and parking. The subject property lot conforms to PUD 65 and, per the plans generally, the 1-story building would conform to the applicable bulk and area standards for PUD 65 and the underlying CS district. The bank portion of the building will have an elevated stature befitting its use, achieved by having an 'attic' for storage above the first floor ceiling. The building complex will feature an enclosed courtyard on the east side and an informal courtyard/patio area, formed in part by a curved retaining wall, on the west side, next to the retail shop.

Fire Marshal's and City Engineer's memos are attached to this Staff Report (if received). Their comments are incorporated herein by reference and should be made conditions of approval where not satisfied at the time of approval.

The Technical Advisory Committee (TAC) reviewed this application on May 01, 2013. The Minutes of the meeting are attached to this report.

Access and Internal Circulation. The subject property will access 101st St. S. via an existing north-south roadway which crosses through the western part of the subject property. The roadway connects Sprouts Farmers Market in Lots 2, 4, and part of Lot 3, Block 1, 101 Memorial Square to 101st St. S. Its connection at 101st St. S. is also used for access to the subject property and CVS/Pharmacy on Lot 1, Block 1, 101 Memorial Square, abutting to the west. The roadway is located within existing Mutual Access Easements (MAEs) by separate instrument and/or the recorded plat of 101 Memorial Square.

Along the south side of the subject property is an east-west roadway shared with Sprouts Farmers Market and built with that project earlier this year. It is contained within an MAE by separate instrument.

The subject property will also have driveway connections to 83rd E. Ave. at the north and south sides of the building. The bank's three (3) drive-through exit lanes will be part of the connection to the south of the building.

The provided drawings indicate driveway access points and the widths of the proposed driveways. Curb return radii have not been provided, but need to be. All these dimensions must comply with applicable standards and City Engineer and/or Fire Marshal requirements.

A sidewalk will flank the north/front, west/side, and part of the south/rear of the building, and will connect pedestrians from the existing sidewalk along 101st St. S. and the proposed sidewalk along 83rd E. Ave. (reference Zoning Code Section 11-10-4.C). The sidewalk widths are dimensioned on the plans and appear appropriate. The sidewalk along 83rd E. Ave. is (in significant part) located within a 5' Sidewalk Easement per the plat of 101 Memorial Square, but is not identified on DSP-1.

The proposed Use Unit 11 bank and the retail shop (Use Unit not yet known) are not large enough to require a loading berth, and none are proposed.

Parking Standards. The "Detail Site Plan" drawing DSP-1 indicates a total of 31 parking spaces. Zoning Code Section 11-10-2.H provides a "minimum plus 15%" maximum parking number cap, to prevent excessive parking that results in pressure to reduce greenspaces on the development site.

The Applicant has provided calculations as follows, which are consistent with Staff's interpretation (which allows rounding-up if so claimed):

"OFF-STREET PARKING SHALL BE PROVIDED AS REQUIRED BY THE APPLICABLE USE UNIT OF THE BIXBY ZONING CODE. EACH SPACE WILL BE A MINIMUM OF 9' WIDTH AND 18' IN DEPTH. THE MINIMUM NUMBER OF PARKING SPACES REQUIRED FOR THE PROPOSED FINANCIAL INSTITUTION USE IS 16, BASED UPON THE 4,511 SF OF BUILDING FLOOR AREA AND PARKING SPACE REQUIREMENT OF 1 PARKING SPACE PER 300 SF OF BUILDING FLOOR AREA. THE MINIMUM NUMBER OF

PARKING SPACES REQUIRED FOR THE PROPOSED RETAIL USE IS 11, BASED UPON THE 2,329 SF OF BUILDING FLOOR AREA AND PARKING SPACE REQUIREMENT OF 1 PARKING SPACE PER 225 SF OF BUILDING FLOOR AREA (ACTUAL NUMBER OF PARKING SPACES PROPOSED FOR SITE = 31)."

Therefore, the site complies with the minimum and maximum parking space standards.

The proposed 9'10" X 18' regular parking space dimensions comply with the minimum standards for the same per PUD 65.

The two (2) handicapped-accessible parking spaces would comply with the minimum number required by ADA standards (Table 208.2 Parking Spaces / IBC Table 1106.1 Accessible Parking Spaces).

ADA guidelines require one (1) van-accessible design for the handicapped-accessible space, for up to seven (7) accessible spaces (reference New ADAAG Section 208.2.4, DOJ Section 4.1.2(5)b, and IBC/ANSI Section 1106.5). The Site Plan indicates one (1) ADA space will be of van-accessible design, as required.

The regular and van-accessible handicapped-accessible parking spaces and access aisles are dimensioned and indicate compliance with the space width and striping standards of Zoning Code Section 11-10-4.C Figure 3.

The parking lot is subject to a 10' minimum setback from 101st St. S. and a 7.5' setback from 83rd E. Ave. per Zoning Code Section 11-10-3.B Table 1. Dimensions provided on the plan indicate that these setbacks will be met along both streets.

The plans show internal drives and parking spaces being paved over the 17.5' Perimeter Utility Easement along the north side of the subject property. Paving over public Utility Easements is subject to City Engineer and Public Works Director approval.

Screening/Fencing. The Zoning Code does not require a sight-proof screening fence for the subject property, as it does not abut an R district. No fences are proposed.

PUD 65 provides:

"All trash, mechanical and equipment areas (excluding utility service transformers, pedestals or equipment provided by a franchise utility providers), including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by a person standing at ground level."

The trash dumpster enclosure area is identified at the southeast lot corner, and compliance with this standard is further indicated in a note on the site plan. The appearance and details of the enclosure have not been submitted, and are respectfully requested (profile view/elevations, with notation as to materials to be used, colors, and opacity of walls and gates).

Landscape Plan. The Landscape Plan consists of "Landscape Plan (Northern Portion)" drawing L1 and "Landscape Plan (Southern Portion)" plan sheet L2 by architect Jack Arnold, AIA. The proposed landscaping is compared to the Zoning Code as follows:

1. 15% Street Yard Minimum Landscaped Area Standards (Section 11-12-3.A.1): Standard is not less than 15% of Street Yard area shall be landscaped. The Street Yard is the required Zoning setback, which is 60' from the 101st St. S. right-of-way per PUD 65. The subject property does not have a "Street Yard" along S. 83rd E. Ave., as that street has no right-of-way and the setback applies to the property line (presumably the centerline of S. 83rd E. Ave.) per PUD 65. A 10' parking lot setback / landscaped strip is proposed along 101st St. S., to include landscaping trees. 10' / 60' = approximately 16 2/3%. The Landscape Summary notes also demonstrate compliance. **This standard is met.**
2. Minimum Width Landscaped Area Strip Standards (Section 11-12-3.A.2 and 11-12-3.A.7): Standard is minimum Landscaped Area strip width shall be 10' along 101st St. S., and a 10' parking lot setback / landscaped strip is proposed, to include landscaping trees, as required.

The subject property does not have the typical 7.5' landscaped strip requirement along S. 83rd E. Ave., as that street has no right-of-way and the setback applies to the property line (presumably the centerline of S. 83rd E. Ave.) per PUD 65. Instead, PUD 65 specifically calls for a 7.5'-width landscaped strip. A landscaped strip measuring at least 11' is proposed along S. 83rd E. Ave., to include landscaping trees. **This standard is met.**

3. 10' Buffer Strip Standard (Section 11-12-3.A.3): Standard requires a minimum 10' landscaped strip between a parking area and an R Residential Zoning District. There are no R districts abutting. **This standard is not applicable.**

4. Building Line Setback Tree Requirements (Section 11-12-3.A.4): Standard is one (1) tree per 1,000 square feet of building line setback area. Excluding the building line setback along 101st St. S. (which is a Street Yard), PUD 65 provides a 25' setback along the east property line (presumably the centerline of S. 83rd E. Ave., but no setbacks for interior lot lines. Tree requirement calculations are as follows:

East line @ 248.59' X 25' = 6,214.75 square feet / 1,000 = 7 trees. Seven (7) Burford Holly trees are proposed in this setback area. **This standard is met.**

5. Maximum Distance Parking Space to Landscaped Area Standard (Sections 11-12-3.B.1 and 11-12-3.B.2): Standard is no parking space shall be located more than 50' from a Landscaped Area, which Landscaped Area must contain at least one (1) or two (2) trees. **This standard is met.**
6. Street Yard Tree Requirements (Section 11-12-3.C.1.a): Standard is one (1) tree per 1,000 square feet of Street Yard. The Street Yard is the Zoning setback along an abutting street right-of-way. There is a Street Yard for 101st St. S., but not for 83rd E. Ave. (see Building Line Setback Tree Requirements section).

The subject property has 213.17' of frontage along 101st St. S., which has a 60' setback per PUD 65. 213.17' X 60' = 12,790.2 square feet / 1,000 = 13 trees required in the 101st St. S. Street Yard. Nine (9) Oklahoma Redbud trees are identified. Two (2) larger trees (perhaps canopy forms) are indicated but not identified. Three (3) "Nellie Stevens Hollies" and 18 "Sky Rocket Junipers" are indicated but are not identified as to tree or shrub forms. **Compliance with this standard cannot be determined.**

7. Tree to Parking Space Ratio Standard (Section 11-12-3.C.2): Standard is one (1) tree per 10 parking spaces. The "Detail Site Plan" drawing DSP-1 indicates a total of 31 parking spaces. 31 / 10 = 3.1 = 4 (1/10 of a tree is not possible, and minimum numbers of required trees are not rounded-down) trees required by this standard. Excluding trees elsewhere accounted for, 5 Burford Holly trees proposed along the west side of the property. **This standard is met.**
8. Parking Areas within 25' of Right-of-Way (Section 11-12-3.C.5.a): Standard would be met upon and as a part of compliance with the tree standard per Section 11-12-3.C.1.a.
9. Irrigation Standards (Section 11-12-3.D.2): A note on "Landscape Plan (Northern Portion)" drawing L1 states "All landscape area required by the Landscape Ordinance shall be irrigated by an underground sprinkler system." Zoning Code Section 11-12-4.A.7 requires the submission of plans for irrigation. An irrigation plan was not submitted. **This standard is not met.**
10. Miscellaneous Standards (Sections 11-12-4.A.5, 11-12-3.C.7, 11-12-3.D, etc.): The tree planting diagram(s), reported heights and calipers of the proposed trees, the notes on the drawings, and other information indicate compliance with other miscellaneous standards, with the following exceptions:

- a. Please label the larger unidentified trees at the northeast and northwest lot corners.
- b. Certain elements of the "Landscape Summary" are inconsistent with the City of Bixby's interpretation as provided herein and should be reconciled or removed.
- c. The Burford Holly trees proposed in partial satisfaction to landscaping requirements are indicated at 4' to 5' in height. Zoning Code Section 11-12-3.C.7.b requires a minimum 5' height for conifer/evergreen trees. Please amend to not less than 5' in height.
- d. Certain other plants proposed in partial satisfaction to landscaping requirements, including two (2) unidentified (perhaps canopy form) [trees] at the northeast and northwest corners, three (3) "Nellie Stevens Hollies," 18 "Sky Rocket Junipers," and certain crape myrtles. Per internet sources, it would appear that some of these may be classified as trees, while others appear to be shrubs. If they are intended to be recognized as trees, the Applicant's Architect, Landscape Architect, or Engineer should provide a statement to that effect, preferably on the plan sheet. This would also aid the plan executors in selecting the correct tree form cultivar.
- e. Five (5) Burford Holly trees are represented along the west side of the property, but the label indicates there would be seven (7). Please reconcile.

Until the above are resolved, **this standard is not met.**

11. Lot Percentage Landscape Standard (Section 11-7I-5.F; PUDs only): Standard is 15% of an office lot must be landscaped open space. Staff was not able to locate information to demonstrate compliance with this standard. **Compliance with this standard cannot be determined.**

Exterior Materials and Colors. Elevations drawings A1 and A2 indicate the proposed exterior materials and overall appearance. Color information was not provided, but is no longer required within the Corridor Appearance District per Ordinance # 2091 approved September 10, 2012, and is not required by PUD 65. Per Ordinance # 2107 adopted January 14, 2013, Zoning Code Section 11-7G-5.A now requires within the Corridor Appearance District:

“All sides of buildings facing public streets shall be full masonry to the first floor top plate, to include brick, stucco, EIFS or similar masonry like product, stone, finished concrete tilt-up panels, or some combination thereof.”

The exterior material, including the north/101st St. S.-facing building elevation, will primarily consist of (1) Stucco and (2) what appears to be a brick base (but not labeled), with various trim materials (including “cast stone trim” cornices over the windows). Block-like structures are located along the sides of window and door areas, but their composition is not indicated. The materials should comply with the new standard. However, the Applicant should identify what appears to be brick material at the base of the building and the block-like structures on the sides of the window areas for review for compliance with the masonry requirements of the Corridor Appearance District.

The pitched roof over the bank portion of the building will be “Barrel Clay Tile.” The flat roofs over the retail shop portion of the building and parts of the front and rear elevations of the bank portion will be hidden by parapet walls.

Outdoor Lighting. The lighting plans consist of drawings SL1 and SL2 and elevations drawings A1 and A2 and indicate the location of pendant and pole- and wall-mounted lights (“lamps”). All proposed lights appear typical for the proposed bank/retail application, in terms of locations, but appear to be fairly upscale fixtures. According to drawing SL1, the pole- and wall-mounted light fixtures will be mounted at approximately 17’ and 12’ in height, respectively. The three (3) pendant lights will illuminate the arcade-style portico covering the north/front entryway. PUD 65 has a 20’ maximum height restriction for lights. Although the height for the pendant lights is not shown on SL1 (or SL2), their locations are identified on SL1 and their relative heights are indicated on elevation drawing A1. They are indicated at a height just above the wall-mounted lights but well below the 20’ top of parapet of the retail shop portion of the building. Therefore, those, too, will comply with the 20’ maximum height. There are no residential areas remotely close to the subject property. The proposed lighting complies with applicable standards and appears appropriate for this development in its context.

Signage. The sign plan consists of drawings ST-1.0, ST-2.0, ST-3.0, and ST-4.0 by Claude Neon Federal Signs (CNF Signs), Inc.

Per PUD 65, the maximum ground sign height standard applicable to the subject property is 25’. Display surface area and other signage standards are as per the underlying Zoning district.

Per ST-4.0, the existing ground sign, located toward the center of the 101st St. S. frontage of the subject property per DSP-1, is identical to the one in front of the Sprouts Farmers Market abutting to the south in 101 Memorial Square, save that the top-most of the two cabinets reflects the business on whose lot the respective sign is located. Both signs were constructed at the same time with the Sprouts Farmers Market project. The sign on the subject property complies with the 25’ maximum height and maximum display surface area standard. Per Zoning Code Sections 11-2-1 and 11-9-21.F, any sign not physically located on the lot containing the business would be recognized as an “Outdoor Advertising Sign (Billboard),” which are not permitted in Bixby. Therefore, if a singular ground sign located on the subject property contained a second sign cabinet for the Sprouts Farmers Market, and vice-versa, those would be unallowable “Outdoor Advertising Signs.” However, the approved PUD 65 Major Amendment # 1 now allows “... a total of two (2) 25’ height double-cabinet display sign advertising the Sprouts store and the proposed business to the north (“Bank” or future user, to be constructed upon Lot 5, Block 1, 101 Memorial Square) shall be permitted, provided that only one (1) such sign along each respective arterial street frontage (S. Memorial Dr. and E. 101st St. S.) shall be allowed upon the respective Sprouts store and Bank or future use development lots as conceptually illustrated upon the signage plan documentation provided with the Sprouts Detail Site Plan documentation under separate application.” Therefore, both ground signs are allowed to cross-advertise each business on the different lots.

ST-1.0 and ST-2.0 indicate the “Grand Bank” wall signs will be applied only to the north-facing (front) and south-facing (back) elevations of the building. Both will comply with maximum display surface area standards.

Most commercial developments of this size will have incidental signage for traffic control and general identification information, and the ST-3.0 drawing indicates the locations of two (2) directional signs. Zoning Code Section 11-9-21.C.3.k allows standard directional signs at a maximum of three (3) square feet in display surface area, but each would have six (6) square feet. However, they may be permitted as the second ground sign allowed on the 101st St. S. frontage, and the first allowed on the 83rd E. Ave. frontage, and the aggregate display surface area will not exceed that allowed by Zoning Code Sections 11-7I-4.B.3.b and 11-9-21.D.3.

Signs reserving the ADA accessible parking spaces and directional signage painted to the pavement of the driveways (not visible from adjoining public streets) should conform to applicable standards or are otherwise exempt per Federal standards.

Staff Recommendation. The Detailed Site Plan adequately demonstrates compliance with the Zoning Code and is in order for approval, subject to the following corrections, modifications, and Conditions of Approval:

1. This PUD Detailed Site Plan approval additionally constitutes the site plan approval requirement within the Corridor Appearance District.
2. Subject to compliance with all Fire Marshal and City Engineer recommendations and requirements.
3. Please label proposed curb return radii.
4. The proposed driveways and their curb return radii must comply with applicable standards and City Engineer and/or Fire Marshal requirements.
5. The plans show internal drives and/or parking spaces being paved over the 17.5' Perimeter Utility Easement along the north side of the subject property. Paving over public Utility Easements is subject to City Engineer and Public Works Director approval.
6. Please label the 5' Sidewalk Easement per the plat of 101 Memorial Square.
7. Please submit appearance and details for the trash dumpster enclosure area (profile view/elevations, with notation as to materials to be used, colors, and opacity of walls and gates).
8. Please resolve the Street Yard Tree Requirements (Section 11-12-3.C.1.a) matter as described in the Landscape Plan analysis above.
9. Please resolve the Irrigation Standards (Section 11-12-3.D.2) matter as described in the Landscape Plan analysis above.
10. Please resolve the Miscellaneous Standards (Sections 11-12-4.A.5, 11-12-3.C.7, 11-12-3.D, etc.) matter as described in the Landscape Plan analysis above.
11. Please resolve the Lot Percentage Landscape Standard (Section 11-7I-5.F; PUDs only) matter as described in the Landscape Plan analysis above.
12. Please identify what appears to be brick material at the base of the building and the block-like structures on the sides of the window and door areas for review for compliance with the masonry requirements of the Corridor Appearance District.
13. Please submit complete, corrected copies of the Detailed Site Plan incorporating all of the corrections, modifications, and conditions of approval as follows: Two (2) full-size hard copies, one (1) 11" X 17" hard copy, and one (1) electronic copy (PDF preferred).
14. Minor changes in the placement / locating individual trees or parking spaces, or other such minor site details, are approved as a part of this Detailed Site Plan, subject to administrative review and approval by the City Planner. The City Planner shall determine that the same are minor in scope and that such changes are an alternative means for compliance and do not compromise the original intent, purposes, and standards underlying the original placement as approved on this Detailed Site Plan, as amended. An appeal from the City Planner's determination that a change is not sufficiently minor in scope shall be made to the Board of Adjustment in accordance with Zoning Code Section 11-4-2.

Erik Enyart noted that the Applicant “gave us a courtesy copy” of the site plan prior to formal submittal, which allowed for early review input that could expedite the review process.

Chair Thomas Holland asked if the Applicant was present and wished to speak on the item. Applicant Darin Akerman was present and stated that [he and his firm were] working with Jim Stanton, an architect with Jack Arnold, and other consultants on the lighting and signage plans. Mr. Akerman stated that he had reviewed the [Staff's recommended] Conditions and discussed them with the other consultants, and indicated no objections.

Lance Whisman asked for clarification on the location. Erik Enyart responded that it was "next to CVS, one (1) lot away from the intersection."

Chair Thomas Holland asked to entertain a Motion. Lance Whisman made a MOTION to APPROVE BSP 2013-03 with all of the corrections, modifications, and Conditions of Approval as recommended by Staff. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Whiteley, & Whisman
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	3:0:0

CONSENT AGENDA:

1. Annual nominations and elections for Chairperson, Vice-Chairperson, and Secretary (City Code Section 10-1-3).
-

Chair Thomas Holland re-introduced Agenda Item # 1 under the Consent Agenda and called for nominations.

Erik Enyart stated that he would be happy to serve as Secretary again if nominated. The Commissioners unanimously Nominated and Elected Erik Enyart as Secretary by acclamation.

Lance Whisman made a MOTION to NOMINATE and ELECT Thomas Holland as Chair. Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Whiteley, & Whisman
NAY:	None.
ABSTAIN:	None.
MOTION CARRIED:	3:0:0

Lance Whisman and Larry Whiteley discussed serving as Vice-Chair. Larry Whiteley expressed interest in serving another one (1) year term. Chair Thomas Holland made a MOTION to NOMINATE and ELECT Larry Whiteley as Vice-Chair. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, & Whisman
NAY: None.
ABSTAIN: None.
MOTION CARRIED: 3:0:0

OLD BUSINESS:

Chair Thomas Holland asked if there was any Old Business to consider. Erik Enyart stated that he had none. No action taken.

NEW BUSINESS:

Chair Thomas Holland noted that NFIP rules had changed per the Biggert-Waters [Flood Insurance Reform] Act [of 2012], and would have a significant impact on Bixby and so should be studied. No action taken.

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 7:37 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary